



Montana Legislative History

Chapter: 113 Session L: 1997

Bill Number: **House /**
165

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	N/A
Third Reading Bill	X
Final Version of Bill	X

House

Committee:
Business and Labor

Hearing Date(s):
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Conference Committee

Hearing Date(s): n/a

Conference Committee Report:

Senate

Committee: Business & Industry

Hearing Date(s):
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Notes:

HB 165 INTRODUCED BY TUSS

LC0194 DRAFTER: NISS

PROVIDE FOR REVISION OF CONTROLLED SUBSTANCES SCHEDULES
BY REQUEST OF DEPARTMENT OF COMMERCE

1/01	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO BUSINESS & LABOR		
1/10	FISCAL NOTE RECEIVED		
1/13	HEARING		
1/13	FISCAL NOTE PRINTED		
1/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/17	2ND READING PASSED	91	6
1/18	3RD READING PASSED	90	6
	TRANSMITTED TO SENATE		
1/20	FIRST READING		
1/20	REFERRED TO BUSINESS & INDUSTRY		
2/06	HEARING		
2/08	COMMITTEE REPORT—BILL CONCURRED		
3/03	2ND READING CONCURRED	49	0
3/04	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/10	SIGNED BY SPEAKER		
3/10	SIGNED BY PRESIDENT		
3/11	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 113		
	EFFECTIVE DATE: 03/20/97		

HB 166 INTRODUCED BY ZOOK, ET AL.

LC0065 DRAFTER: PETESCH

REVISE AND CLARIFY STATUTES CONTAINING STATUTORY
APPROPRIATIONS AND DEDICATIONS OF REVENUE
BY REQUEST OF LEGISLATIVE FINANCE COMMITTEE

1/01	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO APPROPRIATIONS		
2/19	HEARING		
3/25	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/26	2ND READING PASSED AS AMENDED	87	11
3/27	3RD READING PASSED	93	7
	TRANSMITTED TO SENATE		
3/28	FIRST READING		
3/28	REFERRED TO FINANCE & CLAIMS		
4/10	HEARING		
4/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/14	2ND READING CONCURRED AS AMENDED	50	0
4/15	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/16	2ND READING AMENDMENTS CONCURRED	88	11
4/17	3RD READING CONCURRED AS AMENDED	87	11
4/21	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		

HOUSE BILL NO. 165

INTRODUCED BY TUSS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REVISION OF CONTROLLED SUBSTANCES SCHEDULES; AUTHORIZING THE BOARD OF PHARMACY TO ADOPT RULES MORE OFTEN THAN ANNUALLY TO MAKE CHANGES TO STATUTORILY CONTROLLED SUBSTANCES SCHEDULES; REVISING STATUTORILY CONTROLLED SUBSTANCES SCHEDULES TO INCLUDE AMENDMENTS AND ADDITIONS TO THE SCHEDULES MADE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AMENDING SECTIONS 50-32-209, 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-32-209, MCA, is amended to read:

"50-32-209. ~~Annual republication~~ **Republication of schedules.** The board shall revise and the department shall republish additions, deletions, or other changes to the schedules of dangerous drugs ~~annually at times determined by the board~~. For the purposes of this section, the mandate to republish ~~may be~~ additions, deletions, or other changes is satisfied by publication in the Administrative Rules of Montana pursuant to Title 2, chapter 4."

Section 2. Section 50-32-222, MCA, is amended to read:

"50-32-222. **Specific dangerous drugs included in Schedule I.** Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of ~~such~~ those isomers, esters, ethers, and salts is possible within the specific chemical designation:

(a) acetyl-alpha-methylfentanyl;

(b) acetylmethadol;

(c) allylprodine;

(d) alphacetylmethadol, except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

- 1 (e) alphameprodine;
- 2 (f) alphamethadol;
- 3 (g) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;
- 4 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 5 (h) alpha-methylthiofentanyl, also known as
- 6 N-[1-methyl-2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide and;
- 7 ~~(h)(i)~~ benzethidine;
- 8 ~~(h)(j)~~ betacetylmethadol;
- 9 ~~(h)(k)~~ beta-hydroxyfentanyl, also known as
- 10 N-[1-(2-hydroxy-2-phenethyl)-4-piperidyl]-N-phenylpropanamide;
- 11 ~~(k)(l)~~ beta-hydroxy-3-methylfentanyl, also known as
- 12 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidyl]-N-phenylpropanamide;
- 13 ~~(h)(m)~~ betameprodine;
- 14 ~~(m)(n)~~ betamethadol;
- 15 ~~(n)(o)~~ betaprodine;
- 16 ~~(o)(p)~~ clonitazene;
- 17 ~~(p)(q)~~ dextromoramide;
- 18 ~~(q)(r)~~ diampromide;
- 19 ~~(r)(s)~~ diethylthiambutene;
- 20 ~~(s)(t)~~ difenoxin;
- 21 ~~(t)(u)~~ dimenoxadol;
- 22 ~~(u)(v)~~ dimepheptanol;
- 23 ~~(v)(w)~~ dimethylthiambutene;
- 24 ~~(w)(x)~~ dioxaphetyl butyrate;
- 25 ~~(x)(y)~~ dipipanone;
- 26 ~~(y)(z)~~ ethylmethylthiambutene;
- 27 ~~(z)(aa)~~ etonitazene;
- 28 ~~(aa)(bb)~~ etoxeridine;
- 29 ~~(bb)(cc)~~ furethidine;
- 30 ~~(cc)(dd)~~ hydroxypethidine;

- ~~(dd)~~(ee) ketobemidone;
~~(ee)~~(ff) levomoramide;
~~(ff)~~(gg) levophenacymorphan;
~~(gg)~~(hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;
~~(hh)~~(ii) 3-methylthiofentanyl, also known as
N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide;
~~(ii)~~(jj) morpheridine;
~~(jj)~~(kk) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
~~(kk)~~(ll) noracymethadol;
~~(ll)~~(mm) norlevorphanol;
~~(mm)~~(nn) normethadone;
~~(nn)~~(oo) norpipanone;
~~(oo)~~(pp) para-fluorofentanyl, also known as
N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]propanamide;
~~(pp)~~(qq) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
~~(qq)~~(rr) phenadoxone;
~~(rr)~~(ss) phenampromide;
~~(ss)~~(tt) phenomorphan;
~~(tt)~~(uu) phenoperidine;
~~(uu)~~(vv) piritramide;
~~(vv)~~(ww) proheptazine;
~~(ww)~~(xx) properidine;
~~(xx)~~(yy) propiram;
~~(yy)~~(zz) racemoramide;
~~(zz)~~(aaa) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidyl]-propanamide;
~~(aaa)~~(bbb) tilidine; and
~~(bbb)~~(ccc) trimeperidine.
(2) For the purposes of subsection (1)(hh), the term "isomer" includes the optical, position, and geometric isomers.
(2)(3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the following

1 are opium derivatives, ~~its~~ including salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts,
2 isomers, and salts of isomers is possible within the specific chemical designation:

- 3 (a) acetorphine;
- 4 (b) acetyldihydrocodeine;
- 5 (c) benzylmorphine;
- 6 (d) codeine methylbromide;
- 7 (e) codeine-n-oxide;
- 8 (f) cyprenorphine;
- 9 (g) desomorphine;
- 10 (h) dihydromorphine;
- 11 (i) drotebanol;
- 12 (j) etorphine, except hydrochloride salt;
- 13 (k) heroin;
- 14 (l) hydromorphenol;
- 15 (m) methyl-desorphine;
- 16 (n) methyldihydromorphine;
- 17 (o) morphine methylbromide;
- 18 (p) morphine methylsulfonate;
- 19 (q) morphine-n-oxide;
- 20 (r) myrophine;
- 21 (s) nicocodeine;
- 22 (t) nicomorphine;
- 23 (u) normorphine;
- 24 (v) pholcodine; and
- 25 (w) thebacon.

26 ~~(3)(4)~~ Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material,
27 compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic ~~substances or any~~
28 ~~of its substance, including~~ salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers,
29 and salts of isomers is possible within the specific chemical designation:

- 30 ~~(a) 3,4-methylenedioxy-amphetamine;~~

- 1 ~~(b) 3,4-methylenedioxymethamphetamine (MDMA);~~
- 2 ~~(c) 5-methoxy-3,4-methylenedioxy-amphetamine;~~
- 3 ~~(d) 3,4,5-trimethoxy-amphetamine;~~
- 4 ~~(e) bufotenine;~~
- 5 ~~(f) doet (2,5-dimethoxy-4-ethylamphetamine);~~
- 6 ~~(g) diethyltryptamine;~~
- 7 ~~(h) dimethyltryptamine;~~
- 8 ~~(i) 4-methyl-2,5-dimethoxy-amphetamine;~~
- 9 ~~(j) ibogaine;~~
- 10 ~~(k) lysergic acid diethylamide;~~
- 11 ~~(l) marijuana;~~
- 12 ~~(m) mescaline;~~
- 13 ~~(n) parahexyl;~~
- 14 ~~(o) peyote;~~
- 15 ~~(p) PCE (N-ethyl-1-phenylcyclohexylamine);~~
- 16 ~~(q) PHP 1 (1-phenylcyclohexyl)pyrrolidine (pcp analog);~~
- 17 ~~(r) n-ethyl-3-piperidyl-benzilate;~~
- 18 ~~(s) n-methyl-3-piperidyl-benzilate;~~
- 19 ~~(t) psilocybin;~~
- 20 ~~(u) psilocin;~~
- 21 ~~(v) tetrahydrocannabinols;~~
- 22 ~~(w) 2,5-dimethoxyamphetamine;~~
- 23 ~~(x) 4-bromo-2,5-dimethoxy-amphetamine;~~
- 24 ~~(y) 4-methoxyamphetamine;~~
- 25 ~~(z) ethylamine analog of phencyclidine;~~
- 26 ~~(aa) pyrrolidine analog of phencyclidine; and~~
- 27 ~~(bb) thiophene analog of phencyclidine.~~
- 28 (a) alpha-ethyltryptamine. Trade or other names include etryptamine, monase,
- 29 alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET.
- 30 (b) 4-bromo-2,5-dimethoxy-amphetamine. Trade or other names include 4-bromo-2,

1 5-dimethoxy-alpha-methylphenethylamine and 4-bromo-2,5-DMA.

2 (c) 4-bromo-2,5-dimethoxyphenethylamine. Trade or other names include 2-(4-bromo-2,
3 5-dimethoxyphenyl)-1-aminoethane, alpha-desmethyldOB, and 2C-B,Nexus.

4 (d) 2,5-dimethoxyamphetamine. Trade or other names include
5 2,5-dimethoxy-alpha-methylphenothylamine and 2,5-DMA.

6 (e) 3,4-methylenedioxy amphetamine;

7 (f) 2,5-dimethoxy-4-ethylamphetamine. A trade or other name is DOET.

8 (g) 4-methoxyamphetamine. A trade or other name is 4-methoxy-alpha-methylphenethylamine.

9 (h) 5-methoxy-3,4-methylenedioxy amphetamine;

10 (i) 4-methyl-2,5-dimethoxy-amphetamine. Trade or other names include 4-methyl-2,
11 5-dimethoxy-alpha-methylphenethylamine, DOM, and STP.

12 (j) 3,4-methylenedioxy amphetamine;

13 (k) 3,4-methylenedioxymethamphetamine (MDMA);

14 (l) 3,4-methylenedioxy-N-ethylamphetamine, also known as
15 N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;

16 (m) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
17 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA;

18 (n) 3,4,5-trimethoxy amphetamine;

19 (o) bufotenine. Trade and other names include 3-(beta-dimethylaminoethyl)-5-hydroxyindole,
20 3-(2-dimethylaminoethyl)-5-indolol, N,N-dimethylserotonin, 5-hydroxy-N,N-dimethyltryptamine, and mappine.

21 (p) diethyltryptamine. Trade and other names include N,N-diethyltryptamine and DET.

22 (q) dimethyltryptamine. A trade or other name is DMT.

23 (r) ibogaine. Trade or other names include

24 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepine [5,4-b] indole and
25 tabernanthe iboga.

26 (s) lysergic acid diethylamide;

27 (t) marijuana;

28 (u) mescaline;

29 (v) parahexyl. Trade or other names include

30 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[b,d]pyran and synhexyl.

(w) peyote, meaning all parts of the plant presently classified botanically as lophophora williamsii lemaire, whether growing or not; the seed of the plant; any extract from any part of the plant; and every compound, manufacture, salts, derivatives, mixture, or preparation of the plant, its seed, or extracts;

(x) n-ethyl-3-piperidyl benzilate;

(y) n-methyl-3-piperidyl benzilate;

(z) psilocybin;

(aa) psilocyn;

(bb) tetrahydrocannabinols, including synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as those listed in subsections (4)(bb)(i) through (4)(bb)(iii). Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are included in the category as follows:

(i) delta 1 cis or trans tetrahydrocannabinol and its optical isomers;

(ii) delta 6 cis or trans tetrahydrocannabinol and its optical isomers; and

(iii) delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers;

(cc) ethylamine analog of phencyclidine. Trade or others names include N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, and PCE.

(dd) pyrrolidine analog of phencyclidine. Trade or other names include 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, and PHP.

(ee) thiophene analog of phencyclidine. Trade or other names include 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, and TCP.

(ff) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine. A trade or other name is TCPy.

(5) For the purposes of subsection (4), the term "isomer" includes the optical, position, and geometric isomers.

~~(4)(6)~~ Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following ~~substance~~ substances is a depressant having a depressant effect on the central nervous system, including ~~its~~ salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) mecloqualone; and

(b) methaqualone.

~~(5)(7)~~ Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

~~(a) fenethylline; and~~

~~(b) n-ethylamphetamine.~~

(a) aminorex. Trade or other names include aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and 4,5-dihydro-5-phenyl-2-oxazamine.

(b) cathinone. Trade or other names include 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone.

(c) fenethylline;

(d) methcathinone. Trade or other names include 2-(methylamino)-propiophenone, alpha-(methylamino)propiophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropiophenone, monomethylpropion, ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432, including its salts, optical isomers, and salts of optical isomers.

(e) (levo-dextro) cis-4-methylaminorex, also known as (levo-dextro) cis-4, 5-dihydro-4-methyl-5-phenyl-2-oxazamine;

(f) N-ethylamphetamine;

(g) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethamine and N,N-alpha-trimethylphenethylamine.

(8) Substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances is included in this category:

(a) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers); and

(b) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts, and salts of isomers).

~~(6) For purposes of subsection (2) only, the term "isomer" includes the optical, position, and geometric isomers.~~

~~(7)(9)~~ If prescription or administration is authorized by the Federal Food, Drug and Cosmetic Act, then any material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection ~~(3)~~ (4) ~~shall~~ must automatically be rescheduled from Schedule I to Schedule II."

1 **Section 3.** Section 50-32-224, MCA, is amended to read:

2 **"50-32-224. Specific dangerous drugs included in Schedule II.** Schedule II consists of the drugs and other
3 substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

4 (1) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or listed in another
5 schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of
6 vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical
7 synthesis, are included in this category:

8 (a) opium and opiate and any salt, compound, derivative, or preparation of opium or opiate, excluding
9 apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmeferne, naloxone, and naltrexone and
10 their respective salts, but including the following:

- 11 (i) raw opium;
- 12 (ii) opium extracts;
- 13 (iii) opium fluid ~~extracts~~;
- 14 (iv) powdered opium;
- 15 (v) granulated opium;
- 16 (vi) tincture of opium;
- 17 (vii) codeine;
- 18 (viii) ethylmorphine;
- 19 (ix) etorphine hydrochloride;
- 20 (x) hydrocodone;
- 21 (xi) hydromorphone;
- 22 (xii) metopon;
- 23 (xiii) morphine;
- 24 (xiv) oxycodone;
- 25 (xv) oxymorphone; and
- 26 (xvi) thebaine;

27 (b) any salt, compound, derivative, or preparation ~~thereof~~ of them that is chemically equivalent or identical
28 with any of the substances referred to in subsection (1)(a) ~~of this section~~, except that these substances do not
29 include the isoquinoline alkaloids of opium;

30 (c) opium poppy and poppy straw;

(d) coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers, and derivatives, and any salt, compound, derivative, or preparation ~~thereof~~ of them that is chemically equivalent or identical with any of these substances, except that these substances do not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

(e) concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy.

(2) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of ~~such~~ those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(a) alfentanil;

(b) alphaprodine;

(c) anileridine;

(d) bezitramide;

(e) bulk dextropropoxyphene (nondosage forms);

(f) carfentanil;

~~(g)~~ (g) dihydrocodeine;

~~(h)~~ (h) diphenoxylate;

~~(i)~~ (i) fentanyl;

~~(j)~~ (j) isomethadone;

(k) levo-alpha-acetylmethadol. Other names include levo-alpha-acetylmethadol, levomethadyl acetate, and

LAAM.

~~(l)~~ (l) levomethorphan;

~~(m)~~ (m) levorphanol;

~~(n)~~ (n) metazocine;

~~(o)~~ (o) methadone;

~~(p)~~ (p) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

~~(q)~~ (q) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

~~(r)~~ (r) pethidine ~~(meperidine)~~, also known as meperidine;

- ~~(p)~~(s) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- ~~(q)~~(t) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- ~~(r)~~(u) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- ~~(s)~~(v) phenazocine;
- ~~(t)~~(w) piminodine;
- ~~(u)~~(x) racemethorphan;
- ~~(v)~~(y) racemorphan; and
- ~~(w)~~(z) sufentanil; and
- ~~(x)~~ bulk dextropropoxyphene (non-dosage forms).

(3) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system:

- (a) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) phenmetrazine and its salts;
- (c) methamphetamine, its salts, isomers, and salts of its isomers; and
- (d) methylphenidate.

(4) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant effect on the central nervous system, including ~~its~~ salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) amobarbital;
- (b) glutethimide;
- ~~(b)~~(c) pentobarbital;
- ~~(c)~~(d) phencyclidine; and
- ~~(d)~~(e) secobarbital.

~~(5) Immediate precursors. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:~~

- ~~(a) immediate precursor to amphetamine and methamphetamine;~~
- ~~(i) phenylacetone;~~
- ~~(b) immediate precursors to phencyclidine (PCP);~~

1 ~~(i) 1-phenylcyclohexylamine; and~~

2 ~~(ii) 1-piperidinocyclohexanecarbonitrile (PCC);~~

3 ~~(6) Hallucinogenic substances include the following:~~

4 (a) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a federal food and
5 drug administration-approved drug product; ~~and~~. Other names for dronabinol include

6 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b, d]pyran-1-ol or

7 (-)-delta-9-(trans)-tetrahydrocannabinol.

8 (b) nabilone. Another name for nabilone is (levo-dextro)-trans-3-(1,
9 1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b, d] pyran-9-one.

10 (6) Immediate precursors. Unless specifically excepted or listed in another schedule, any material,
11 compound, mixture, or preparation that contains any quantity of the following substances is an immediate
12 precursor:

13 (a) phenylacetone, an immediate precursor to amphetamine and methamphetamine. Trade or other names
14 for phenylacetone include phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone.

15 (b) 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile (PCC), immediate precursors to
16 phencyclidine (PCP)."

17
18 **Section 4.** Section 50-32-226, MCA, is amended to read:

19 **"50-32-226. Specific dangerous drugs included in Schedule III.** Schedule III consists of the drugs and
20 other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

21 (1) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
22 mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant
23 effect on the central nervous system, including ~~its~~ salts, isomers (whether optical, position, or geometric), and salts
24 of ~~such~~ isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the
25 specific chemical designation:

26 (a) benzphetamine;

27 (b) chlorphentermine;

28 (c) clortermine; and

29 (d) phendimetrazine.

30 (2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound,

1 mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant
2 effect on the central nervous system:

3 ~~(a) any substance that contains any quantity of a derivative of barbituric acid or any salt thereof;~~

4 ~~(b) chlorhexadol;~~

5 ~~(c) glutethimide;~~

6 (a) any compound, mixture, or preparation containing amobarbital, secobarbital, or pentobarbital or any salt
7 of any of these drugs and one or more other active medicinal ingredients that are not listed in any schedule;

8 (b) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of
9 these drugs approved by the federal food and drug administration for marketing only as a suppository;

10 (c) any substance that contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;

11 (d) chlorhexadol;

12 ~~(d)(e)~~ lysergic acid;

13 ~~(e)(f)~~ lysergic acid amide;

14 ~~(f)(g)~~ methypylon;

15 ~~(g)(h)~~ sulfondiethylmethane;

16 ~~(h)(i)~~ sulfonethylmethane;

17 ~~(i)(j)~~ sulfonmethane; and

18 ~~(j)(k)~~ tiletamine and zolazepam or any of their salts; A trade or other name for a tiletamine-zolazepam
19 combination product is telazol. A trade or other name for tiletamine is 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.
20 A trade or other name for zolazepam is 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]
21 [1,4]-diazepin-7(1H)-one, flupyrazapon.

22 ~~(k) any compound, mixture, or preparation containing amobarbital, secobarbital, or pentobarbital or any~~
23 ~~salt of any of these drugs and one or more other active medicinal ingredients that are not listed in any schedule;~~
24 and

25 ~~(l) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of~~
26 ~~these drugs approved by the federal food and drug administration for marketing only as a suppository.~~

27 (3) Nalorphine.

28 (4) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound,
29 mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts calculated as
30 the free anhydrous base or alkaloid in the following limited quantities:

(a) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(e) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(f) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

(h) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Anabolic steroids. ~~Any~~ The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing an anabolic steroid, including but not limited to the following: any quantity of the following substances is an anabolic steroid, including salts, isomers, and salts of isomers whenever the existence of those salts of isomers is possible within the specific chemical designation:

(a) ~~androisoxazole;~~

(b) ~~androstendiol;~~

(c) ~~bolandiol;~~

(d) ~~bolasterone;~~

(e) ~~boldenone;~~

(f) ~~chlormethandienone;~~

(b) chlorotestosterone, also known as 4-chlortestosterone;

(g)(c) clostebol;

- 1 (d) dihydrochlormethyltestosterone;
2 (e) dihydrotestosterone, also known as 4-dihydrotestosterone;
3 (f) drostanolone;
4 ~~(h) dihydromesterone;~~
5 ~~(i)(g)~~ ethylestrenol;
6 ~~(j)(h)~~ fluoxymesterone;
7 (i) formebulone, also known as formebolone;
8 ~~(k) formylidienolone;~~
9 ~~(l) 4-hydroxy 19-nortestosterone;~~
10 ~~(m)(j)~~ mesterolone;
11 (k) methandienone;
12 (l) methandranone;
13 ~~(n)(m)~~ methandriol;
14 ~~(o)(n)~~ methandrostenolone;
15 ~~(p)(o)~~ methenolone;
16 ~~(q) 17-methyltestosterone~~ (p) methyltestosterone;
17 ~~(r) methyltrienolone;~~
18 (g) mibolerone;
19 ~~(s)(r)~~ nandrolone;
20 ~~(t) norbolethone;~~
21 ~~(u)(s)~~ norethandrolone;
22 ~~(v) normethandrolone;~~
23 ~~(w)(t)~~ oxandrolone;
24 ~~(x)(u)~~ oxymestronone;
25 ~~(y)(v)~~ oxymetholone;
26 ~~(z) quinbolone;~~
27 ~~(aa)(w)~~ stanolone;
28 ~~(bb)(x)~~ stanozolol;
29 ~~(cc) stenbolone;~~
30 (y) testolactone;

~~(dd)(z)~~ testosterone; or

~~(ee)(aa)~~ trenbolone."

Section 5. Section 50-32-229, MCA, is amended to read:

"50-32-229. Specific dangerous drugs included in Schedule IV. Schedule IV consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts calculated as the free anhydrous base or alkaloid in the following limited quantities:

(a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit; and

(b) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

(2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant, including ~~its~~ salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) alprazolam;

(b) barbital;

(c) bromazepam;

(d) camazepam;

(e) chloral betaine;

(f) chloral hydrate;

(g) chlordiazepoxide;

(h) clobazam;

(i) clonazepam;

(j) clorazepate;

(k) clotiazepam;

(l) cloxazolam;

(m) delorazepam;

(n) diazepam;

- 1 (o) estazolam;
- 2 (p) ethchlorvynol;
- 3 (q) ethinamate;
- 4 (r) ethyl loflazepate;
- 5 (s) fludiazepam;
- 6 (t) flunitrazepam;
- 7 (u) flurazepam;
- 8 (v) halazepam;
- 9 (w) haloxazolam;
- 10 (x) ketazolam;
- 11 (y) lopraxolam;
- 12 (z) lorazepam;
- 13 (aa) lormetazepam;
- 14 (bb) mebutamate;
- 15 (cc) medazepam;
- 16 (dd) meprobamate;
- 17 (ee) methohexital;
- 18 (ff) methylphenobarbital (~~mephobarbital~~), also known as mephobarbital;
- 19 (gg) midazolam;
- 20 (hh) nimetazepam;
- 21 (ii) nitrazepam;
- 22 (jj) nordiazepam;
- 23 (kk) oxazepam;
- 24 (ll) oxazolam;
- 25 (mm) paraldehyde;
- 26 (nn) petrichloral;
- 27 (oo) phenobarbital;
- 28 (pp) pinazepam;
- 29 (qq) prazepam;
- 30 (rr) quazepam;

- (ss) temazepam;
(tt) tetrazepam; ~~and~~
(uu) triazolam; and
(vv) zolpidem.

(3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of ~~the~~
~~following substance~~ fenfluramine, including its salts, isomers (whether optical, position, or geometric), and salts of
~~such~~ isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible.

~~(a) fenfluramine.~~

(4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant
effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (a) cathine;
(b) diethylpropion;
(c) fencamfamin;
(d) fenproporex;
(e) mazindol;
(f) mefenorex;
(g) pemoline, including organometallic complexes and chelates thereof;
(h) phentermine;
(i) pipradrol; and
(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(5) Other substances. Unless specifically excepted or listed in another schedule, any material, compound,
mixture, or preparation that contains any quantity of the following substances, including its salts:

- (a) pentazocine."

Section 6. Section 50-32-232, MCA, is amended to read:

"50-32-232. **Specific dangerous drugs included in Schedule V.** Schedule V consists of the drugs and
other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture, or preparation containing buprenorphine and its salts is included in this category.

~~(1)(2)~~ Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts, calculated as the free anhydrous base or alkaloid in limited quantities as set forth in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(f)~~ (2)(f), which include one or more nonnarcotic, active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(a) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(b) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(c) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(d) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(e) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; and

(f) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(2) Buprenorphine.~~

(3) ~~Propylhexedrine~~ Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers

~~(4) Pyrovalerone."~~

NEW SECTION. Section 7. Exempt anabolic steroid products. The following anabolic steroid-containing compounds, mixtures, or preparations are exempt from this chapter:

(1) androgyn L.A.;

(2) andro-estro 90-4;

(3) depandrogyn;

(4) DEPO-T.E.;

(5) deptestrogen;

(6) duomone;

(7) duratestrin;

(8) duo-span II;

(9) estratest;

- 1 (10) estratest HS;
- 2 (11) pan estra test;
- 3 (12) premarin with methyltestosterone;
- 4 (13) synovex H pellets in process;
- 5 (14) synovex H pellets in process granulation;
- 6 (15) test-estro cypionates;
- 7 (16) testagen;
- 8 (17) testosterone cyp 50 estradiol cyp 2;
- 9 (18) testosterone, cypionate-estradiol, cypionate injection;
- 10 (19) testosterone, enanthate-estradiol, valerate injection; and
- 11 (20) tilapia sex reversal feed (investigational).

12

13 **NEW SECTION.** **Section 8. Excluded substances.** The following nonnarcotic substances that may, under

14 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription

15 are excluded from all schedules:

- 16 (1) theophed;
- 17 (2) guiaphed elixir;
- 18 (3) tedrigen tablets;
- 19 (4) choate's leg freeze;
- 20 (5) tedral;
- 21 (6) tedral elixir;
- 22 (7) tedral S.A.;
- 23 (8) tedral suspension;
- 24 (9) asthma-ese;
- 25 (10) azma-aids;
- 26 (11) benzedrex;
- 27 (12) bronkolixir;
- 28 (13) bronkotabs;
- 29 (14) vicks inhaler; and
- 30 (15) primatene (P-tablets).

NEW SECTION. **Section 9. Codification instruction.** [Sections 7 and 8] are intended to be codified as an integral part of Title 50, chapter 32, part 2, and the provisions of Title 50, chapter 32, part 2, apply to [sections 7 and 8].

NEW SECTION. **Section 10. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 11. Effective date. [This act] is effective on passage and approval.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0165, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

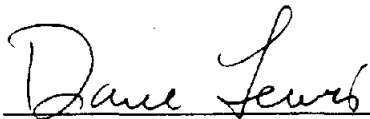
An act providing for revision of controlled substances schedules; authorizing the Board of Pharmacy to adopt rules more often than annually to make changes to statutorily controlled substances schedules; revising statutorily controlled substances schedules to include amendments and additions to the schedules made by the Federal Food and Drug Administration.

ASSUMPTIONS:

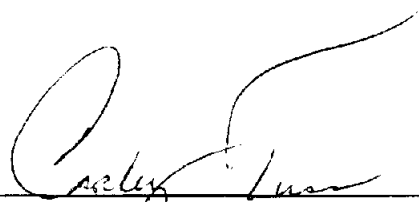
1. Updating the list of controlled substances will require administrative rule changes only. Any costs associated with rule changes will be absorbed by the existing budget request of the Department of Commerce, Professional and Occupational Licensing Bureau.

FISCAL IMPACT:

none

 1-9-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


CARLEY TUSS, PRIMARY SPONSOR DATE

Fiscal Note for HB0165, as introduced

HB 165

APPROVED BY COM ON
BUSINESS & LABOR

HOUSE BILL NO. 165

INTRODUCED BY TUSS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REVISION OF CONTROLLED SUBSTANCES SCHEDULES; AUTHORIZING THE BOARD OF PHARMACY TO ADOPT RULES MORE OFTEN THAN ANNUALLY TO MAKE CHANGES TO STATUTORILY CONTROLLED SUBSTANCES SCHEDULES; REVISING STATUTORILY CONTROLLED SUBSTANCES SCHEDULES TO INCLUDE AMENDMENTS AND ADDITIONS TO THE SCHEDULES MADE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AMENDING SECTIONS 50-32-209, 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-32-209, MCA, is amended to read:

"50-32-209. ~~Annual republication~~ Republication of schedules. The board shall revise and the department shall republish additions, deletions, or other changes to the schedules of dangerous drugs annually at times determined by the board. For the purposes of this section, the mandate to republish ~~may be~~ additions, deletions, or other changes is satisfied by publication in the Administrative Rules of Montana pursuant to Title 2, chapter 4."

Section 2. Section 50-32-222, MCA, is amended to read:

"50-32-222. **Specific dangerous drugs included in Schedule I.** Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of ~~such~~ those isomers, esters, ethers, and salts is possible within the specific chemical designation:

(a) acetyl-alpha-methylfentanyl;

(b) acetylmethadol;

(c) allylprodine;

(d) alphacetylmethadol, except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

- 1 (e) alphameprodine;
- 2 (f) alphamethadol;
- 3 (g) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;
- 4 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 5 (h) alpha-methylthiofentanyl, also known as
- 6 N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide and;
- 7 ~~((h)(i))~~ benzethidine;
- 8 ~~((i)(j))~~ betacetylmethadol;
- 9 ~~((j)(k))~~ beta-hydroxyfentanyl, also known as
- 10 N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-phenylpropanamide;
- 11 ~~((k)(l))~~ beta-hydroxy-3-methylfentanyl, also known as
- 12 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide;
- 13 ~~((l)(m))~~ betameprodine;
- 14 ~~((m)(n))~~ betamethadol;
- 15 ~~((n)(o))~~ betaprodine;
- 16 ~~((o)(p))~~ clonitazene;
- 17 ~~((p)(q))~~ dextromoramide;
- 18 ~~((q)(r))~~ diampromide;
- 19 ~~((r)(s))~~ diethylthiambutene;
- 20 ~~((s)(t))~~ difenoxin;
- 21 ~~((t)(u))~~ dimenoxadol;
- 22 ~~((u)(v))~~ dimepheptanol;
- 23 ~~((v)(w))~~ dimethylthiambutene;
- 24 ~~((w)(x))~~ dioxaphetyl butyrate;
- 25 ~~((x)(y))~~ dipipanone;
- 26 ~~((y)(z))~~ ethylmethylthiambutene;
- 27 ~~((z)(aa))~~ etonitazene;
- 28 ~~((aa)(bb))~~ etoxeridine;
- 29 ~~((bb)(cc))~~ furethidine;
- 30 ~~((cc)(dd))~~ hydroxypethidine;

- 1 ~~(dd)~~(ee) ketobemidone;
- 2 ~~(ee)~~(ff) levomoramide;
- 3 ~~(ff)~~(gg) levophenacymorphan;
- 4 ~~(gg)~~(hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;
- 5 ~~(hh)~~(ii) 3-methylthiofentanyl, also known as
- 6 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide;
- 7 ~~(ii)~~(jj) morpheridine;
- 8 ~~(jj)~~(kk) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 9 ~~(kk)~~(ll) noracymethadol;
- 10 ~~(ll)~~(mm) norlevorphanol;
- 11 ~~(mm)~~(nn) normethadone;
- 12 ~~(nn)~~(oo) norpipanone;
- 13 ~~(oo)~~(pp) para-fluorofentanyl, also known as
- 14 N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]propanamide;
- 15 ~~(pp)~~(qq) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 16 ~~(qq)~~(rr) phenadoxone;
- 17 ~~(rr)~~(ss) phenampromide;
- 18 ~~(ss)~~(tt) phenomorphan;
- 19 ~~(tt)~~(uu) phenoperidine;
- 20 ~~(uu)~~(vv) piritramide;
- 21 ~~(vv)~~(ww) proheptazine;
- 22 ~~(ww)~~(xx) properidine;
- 23 ~~(xx)~~(yy) propiram;
- 24 ~~(yy)~~(zz) racemoramide;
- 25 ~~(zz)~~(aaa) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidyl]-propanamide;
- 26 ~~(aaa)~~(bbb) tilidine; and
- 27 ~~(bbb)~~(ccc) trimeperidine.
- 28 (2) For the purposes of subsection (1)(hh), the term "isomer" includes the optical, position, and geometric
- 29 isomers.
- 30 ~~(2)~~(3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the following

are opium derivatives, ~~its~~ including salts, isomers, and salts of isomers whenever the existence of ~~each~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) acetorphine;
- (b) acetyldihydrocodeine;
- (c) benzylmorphine;
- (d) codeine methylbromide;
- (e) codeine-n-oxide;
- (f) cyprenorphine;
- (g) desomorphine;
- (h) dihydromorphine;
- (i) drotebanol;
- (j) etorphine, except hydrochloride salt;
- (k) heroin;
- (l) hydromorphenol;
- (m) methyl-desorphine;
- (n) methyldihydromorphine;
- (o) morphine methylbromide;
- (p) morphine methylsulfonate;
- (q) morphine-n-oxide;
- (r) myrophine;
- (s) nicocodeine;
- (t) nicomorphine;
- (u) normorphine;
- (v) pholcodine; and
- (w) thebacon.

~~(3),(4)~~ Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic ~~substances or any~~ of its substance, including salts, isomers, and salts of isomers whenever the existence of ~~each~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- ~~(a) 3,4-methylenedioxy-amphetamine;~~

- 1 ~~(b) 3,4-methylenedioxymethamphetamine (MDMA);~~
2 ~~(c) 5-methoxy-3,4-methylenedioxy-amphetamine;~~
3 ~~(d) 3,4,5-trimethoxy-amphetamine;~~
4 ~~(e) bufotenine;~~
5 ~~(f) doet (2,5-dimethoxy-4-ethylamphetamine);~~
6 ~~(g) diethyltryptamine;~~
7 ~~(h) dimethyltryptamine;~~
8 ~~(i) 4-methyl-2,5-dimethoxy-amphetamine;~~
9 ~~(j) ibogaine;~~
10 ~~(k) lysergic acid diethylamide;~~
11 ~~(l) marijuana;~~
12 ~~(m) mescaline;~~
13 ~~(n) parahexyl;~~
14 ~~(o) peyote;~~
15 ~~(p) PCE (N-ethyl-1-phenylcyclohexylamine);~~
16 ~~(q) PHP-1 (1-phenylcyclohexyl)pyrrolidine (pcp analog);~~
17 ~~(r) n-ethyl-3-piperidyl-benzilate;~~
18 ~~(s) n-methyl-3-piperidyl-benzilate;~~
19 ~~(t) psilocybin;~~
20 ~~(u) psilocin;~~
21 ~~(v) tetrahydrocannabinol;~~
22 ~~(w) 2,5-dimethoxyamphetamine;~~
23 ~~(x) 4-bromo-2,5-dimethoxy-amphetamine;~~
24 ~~(y) 4-methoxyamphetamine;~~
25 ~~(z) ethylamine analog of phenacyclidine;~~
26 ~~(aa) pyrrolidine analog of phenacyclidine; and~~
27 ~~(bb) thiophene analog of phenacyclidine.~~
28 (a) alpha-ethyltryptamine. Trade or other names include etryptamine, monase,
29 alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET.
30 (b) 4-bromo-2,5-dimethoxy-amphetamine. Trade or other names include 4-bromo-2,

- 1 5-dimethoxy-alpha-methylphenethylamine and 4-bromo-2,5-DMA.
- 2 (c) 4-bromo-2,5-dimethoxyphenethylamine. Trade or other names include 2-(4-bromo-2,
- 3 5-dimethoxyphenyl)-1-aminoethane, alpha-desmethyldob, and 2C-B,Nexus.
- 4 (d) 2,5-dimethoxyamphetamine. Trade or other names include
- 5 2,5-dimethoxy-alpha-methylphenethylamine and 2,5-DMA.
- 6 (e) 3,4-methylenedioxy amphetamine;
- 7 (f) 2,5-dimethoxy-4-ethylamphetamine. A trade or other name is DOET.
- 8 (g) 4-methoxyamphetamine. A trade or other name is 4-methoxy-alpha-methylphenethylamine.
- 9 (h) 5-methoxy-3,4-methylenedioxy amphetamine;
- 10 (i) 4-methyl-2,5-dimethoxy-amphetamine. Trade or other names include 4-methyl-2,
- 11 5-dimethoxy-alpha-methylphenethylamine, DOM, and STP.
- 12 (j) 3,4-methylenedioxy amphetamine;
- 13 (k) 3,4-methylenedioxymethamphetamine (MDMA);
- 14 (l) 3,4-methylenedioxy-N-ethylamphetamine, also known as
- 15 N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- 16 (m) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
- 17 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA;
- 18 (n) 3,4,5-trimethoxy amphetamine;
- 19 (o) bufotenine. Trade and other names include 3-(beta-dimethylaminoethyl)-5-hydroxyindole,
- 20 3-(2-dimethylaminoethyl)-5-indolol, N,N-dimethylserotonin, 5-hydroxy-N,N-dimethyltryptamine, and mappine.
- 21 (p) diethyltryptamine. Trade and other names include N,N-diethyltryptamine and DET.
- 22 (q) dimethyltryptamine. A trade or other name is DMT.
- 23 (r) ibogaine. Trade or other names include
- 24 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepine [5,4-b] indole and
- 25 tabernanthe iboga.
- 26 (s) lysergic acid diethylamide;
- 27 (t) marijuana;
- 28 (u) mescaline;
- 29 (v) parahexyl. Trade or other names include
- 30 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[b,d]pyran and synhexyl.

1 (w) peyote, meaning all parts of the plant presently classified botanically as lophophora williamsii lemaire,
2 whether growing or not; the seed of the plant; any extract from any part of the plant; and every compound,
3 manufacture, salts, derivatives, mixture, or preparation of the plant, its seed, or extracts;

4 (x) n-ethyl-3-piperidyl benzilate;

5 (y) n-methyl-3-piperidyl benzilate;

6 (z) psilocybin;

7 (aa) psilocyn;

8 (bb) tetrahydrocannabinols, including synthetic equivalents of the substances contained in the plant or in
9 the resinous extractives of cannabis, sp, or synthetic substances, derivatives, and their isomers with similar
10 chemical structure and pharmacological activity, such as those listed in subsections (4)(bb)(i) through (4)(bb)(iii).
11 Because nomenclature of these substances is not internationally standardized, compounds of these structures,
12 regardless of numerical designation of atomic positions covered, are included in the category as follows:

13 (i) delta 1 (DELTA 9) cis or trans tetrahydrocannabinol and its optical isomers;

14 (ii) delta 6 cis or trans tetrahydrocannabinol and its optical isomers; and

15 (iii) delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers;

16 (cc) ethylamine analog of phencyclidine. Trade or others names include N-ethyl-1-phenylcyclohexylamine,
17 (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, and PCE.

18 (dd) pyrrolidine analog of phencyclidine. Trade or other names include 1-(1-phenylcyclohexyl)-pyrrolidine,
19 PCPy, and PHP.

20 (ee) thiophene analog of phencyclidine. Trade or other names include
21 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TCP, and TCP.

22 (ff) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine. A trade or other name is TCPy.

23 (5) For the purposes of subsection (4), the term "isomer" includes the optical, position, and geometric
24 isomers.

25 ~~(4)(6)~~ Depressants. Unless specifically excepted or listed in another schedule, any material, compound,
26 mixture, or preparation that contains any quantity of the following ~~substance~~ substances is a depressant having a
27 depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the
28 existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

29 (a) mecloqualone; and

30 (b) methaqualone.

~~(5)(7)~~ Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

~~(a) fenethylline; and~~

~~(b) n-ethylamphetamine.~~

(a) aminorex. Trade or other names include aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and 4,5-dihydro-5-phenyl-2-oxazamine.

(b) cathinone. Trade or other names include 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone.

(c) fenethylline;

(d) methcathinone. Trade or other names include 2-(methylamino)-propionophenone, alpha-(methylamino)propionophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropiophenone, monomethylpropion, ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432, including its salts, optical isomers, and salts of optical isomers.

(e) (levo-dextro) cis-4-methylaminorex, also known as (levo-dextro) cis-4, 5-dihydro-4-methyl-5-phenyl-2-oxazamine;

(f) N-ethylamphetamine;

(g) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethamine and N,N-alpha-trimethylphenethylamine.

(8) Substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances is included in this category:

(a) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers); and

(b) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers).

~~(6) For purposes of subsection (3) only, the term "isomer" includes the optical, position, and geometric isomers.~~

~~(7)(9)~~ If prescription or administration is authorized by the Federal Food, Drug and Cosmetic Act, then any material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection ~~(3)~~ (4) ~~shall~~ must automatically be rescheduled from Schedule I to Schedule II."

1 **Section 3.** Section 50-32-224, MCA, is amended to read:

2 **"50-32-224. Specific dangerous drugs included in Schedule II.** Schedule II consists of the drugs and other
3 substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

4 (1) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or listed in another
5 schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of
6 vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical
7 synthesis, are included in this category:

8 (a) opium and opiate and any salt, compound, derivative, or preparation of opium or opiate, excluding
9 apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone and
10 their respective salts, but including the following:

11 (i) raw opium;

12 (ii) opium extracts;

13 (iii) opium fluid ~~extracts~~;

14 (iv) powdered opium;

15 (v) granulated opium;

16 (vi) tincture of opium;

17 (vii) codeine;

18 (viii) ethylmorphine;

19 (ix) etorphine hydrochloride;

20 (x) hydrocodone;

21 (xi) hydromorphone;

22 (xii) metopon;

23 (xiii) morphine;

24 (xiv) oxycodone;

25 (xv) oxymorphone; and

26 (xvi) thebaine;

27 (b) any salt, compound, derivative, or preparation ~~thereof or of them~~ that is chemically equivalent or identical
28 with any of the substances referred to in subsection (1)(a) ~~of this section~~, except that these substances do not
29 include the isoquinoline alkaloids of opium;

30 (c) opium poppy and poppy straw;

(d) coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers, and derivatives, and any salt, compound, derivative, or preparation ~~thereof~~ of them that is chemically equivalent or identical with any of these substances, except that these substances do not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

(e) concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy.

(2) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of ~~such~~ those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

(a) alfentanil;

(b) alphaprodine;

(c) anileridine;

(d) bezitramide;

(e) bulk dextropropoxyphene (nondosage forms);

(f) carfentanil;

~~(g)~~ (g) dihydrocodeine;

~~(h)~~ (h) diphenoxylate;

~~(i)~~ (i) fentanyl;

~~(j)~~ (j) isomethadone;

(k) levo-alpha-acetylmethadol. Other names include levo-alpha-acetylmethadol, levomethadyl acetate, and

LAAM.

~~(l)~~ (l) levomethorphan;

~~(m)~~ (m) levorphanol;

~~(n)~~ (n) metazocine;

~~(o)~~ (o) methadone;

~~(p)~~ (p) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

~~(q)~~ (q) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

~~(r)~~ (r) pethidine ~~(meperidine)~~, also known as meperidine;

- ~~(p)~~(s) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- ~~(q)~~(t) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- ~~(r)~~(u) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- ~~(e)~~(v) phenazocine;
- ~~(t)~~(w) piminodine;
- ~~(u)~~(x) racemethorphan;
- ~~(w)~~(y) racemorphan; and
- ~~(w)~~(z) sufentanil; and
- ~~(x)~~ bulk dextropropoxyphene (nondosage form).

(3) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system:

- (a) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) phenmetrazine and its salts;
- (c) methamphetamine, its salts, isomers, and salts of its isomers; and
- (d) methylphenidate.

(4) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant effect on the central nervous system, including ~~its~~ salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) amobarbital;
- (b) glutethimide;
- ~~(b)~~(c) pentobarbital;
- ~~(e)~~(d) phencyclidine; and
- ~~(d)~~(e) secobarbital.

~~(5) Immediate precursors. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:~~

- ~~(a) immediate precursor to amphetamine and methamphetamine;~~
- ~~(i) phenylacetone;~~
- ~~(b) immediate precursors to phencyclidine (PCP);~~

~~(i) 1-phenylcyclohexylamine; and~~

~~(iii) 1-piperidinocyclohexanecarbonitrile (PCC);~~

~~(6) Hallucinogenic substances include the following:~~

(a) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a federal food and drug administration-approved drug product; ~~and. Other names for dronabinol include~~

~~(6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b, d]pyran-1-ol or~~

~~(-)-delta-9-(trans)-tetrahydrocannabinol.~~

(b) nabilone. Another name for nabilone is (levo-dextro)-trans-3-(1,

1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b, d] pyran-9-one.

(6) Immediate precursors. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is an immediate precursor:

(a) phenylacetone, an immediate precursor to amphetamine and methamphetamine. Trade or other names for phenylacetone include phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone.

(b) 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile (PCC), immediate precursors to phencyclidine (PCP)."

Section 4. Section 50-32-226, MCA, is amended to read:

"50-32-226. Specific dangerous drugs included in Schedule III. Schedule III consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including ~~its~~ salts, isomers (whether optical, position, or geometric), and salts of ~~such~~ isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) benzphetamine;

(b) chlorphentermine;

(c) clortermine; and

(d) phendimetrazine.

(2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound,

1 mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant
2 effect on the central nervous system:

3 ~~(a) any substance that contains any quantity of a derivative of barbituric acid or any salt thereof;~~

4 ~~(b) chlorhexadol;~~

5 ~~(c) glutethimide;~~

6 (a) any compound, mixture, or preparation containing amobarbital, secobarbital, or pentobarbital or any salt
7 of any of these drugs and one or more other active medicinal ingredients that are not listed in any schedule;

8 (b) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of
9 these drugs approved by the federal food and drug administration for marketing only as a suppository;

10 (c) any substance that contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;

11 (d) chlorhexadol;

12 ~~(d)(e)~~ lysergic acid;

13 ~~(e)(f)~~ lysergic acid amide;

14 ~~(f)(g)~~ methyprylon;

15 ~~(g)(h)~~ sulfondiethylmethane;

16 ~~(h)(i)~~ sulfonethylmethane;

17 ~~(i)(j)~~ sulfonmethane; and

18 ~~(j)(k)~~ tiletamine and zolazepam or any of their salts; A trade or other name for a tiletamine-zolazepam
19 combination product is telazol. A trade or other name for tiletamine is 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.
20 A trade or other name for zolazepam is 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]
21 [1,4]-diazepin-7(1H)-one, flupyrzapon.

22 ~~(k) any compound, mixture, or preparation containing amobarbital, secobarbital, or pentobarbital or any~~
23 ~~salt of any of these drugs and one or more other active medicinal ingredients that are not listed in any schedule;~~
24 and

25 ~~(l) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of~~
26 ~~these drugs approved by the federal food and drug administration for marketing only as a suppository.~~

27 (3) Nalorphine.

28 (4) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound,
29 mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts calculated as
30 the free anhydrous base or alkaloid in the following limited quantities:

(a) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(e) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(f) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

(h) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Anabolic steroids. ~~Any~~ The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing an anabolic steroid, including but not limited to the following: any quantity of the following substances is an anabolic steroid, including salts, isomers, and salts of isomers whenever the existence of those salts of isomers is possible within the specific chemical designation:

~~(a) androisoxazole;~~

~~(b) androstendiol;~~

~~(c) bolandiol;~~

~~(d) bolasterone;~~

~~(e) boldenone;~~

~~(f) chlormethandienone;~~

(b) chlorotestosterone, also known as 4-chlortestosterone;

~~(g)(c) clostebol;~~

- 1 (d) dihydrochlormethyltestosterone;
2 (e) dihydrotestosterone, also known as 4-dihydrotestosterone;
3 (f) drostanolone;
4 ~~(h) dihydromesterone;~~
5 ~~(i)(g)~~ ethylestrenol;
6 ~~(j)(h)~~ fluoxymesterone;
7 (i) formebulone, also known as formebolone;
8 ~~(k) formylidenolone;~~
9 ~~(l) 4-hydroxy-19-nortestosterone;~~
10 ~~(m)(j)~~ mesterolone;
11 (k) methandienone;
12 (l) methandranone;
13 ~~(n)(m)~~ methandriol;
14 ~~(o)(n)~~ methandrostenolone;
15 ~~(p)(o)~~ methenolone;
16 ~~(q) 17-methyltestosterone~~ (p) methyltestosterone;
17 ~~(r) methyltrienolone;~~
18 (q) mibolerone;
19 ~~(s)(r)~~ nandrolone;
20 ~~(t) norbolethone;~~
21 ~~(u)(s)~~ norethandrolone;
22 ~~(v) normethandrolone;~~
23 ~~(w)(t)~~ oxandrolone;
24 ~~(x)(u)~~ oxymestron;e;
25 ~~(y)(v)~~ oxymetholone;
26 ~~(z) quinbolone;~~
27 ~~(aa)(w)~~ stanolone;
28 ~~(bb)(x)~~ stanozolol;
29 ~~(cc) stenbolone;~~
30 (y) testolactone;

1 ~~(dd)(z)~~ testosterone; or

2 ~~(ee)(aa)~~ trenbolone."

3
4 **Section 5.** Section 50-32-229, MCA, is amended to read:

5 **"50-32-229. Specific dangerous drugs included in Schedule IV.** Schedule IV consists of the drugs and
6 other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

7 (1) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound,
8 mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts calculated as
9 the free anhydrous base or alkaloid in the following limited quantities:

10 (a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage
11 unit; and

12 (b) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

13 (2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound,
14 mixture, or preparation that contains any quantity of the following substances is a depressant, including its salts,
15 isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible
16 within the specific chemical designation:

17 (a) alprazolam;

18 (b) barbital;

19 (c) bromazepam;

20 (d) camazepam;

21 (e) chloral betaine;

22 (f) chloral hydrate;

23 (g) chlordiazepoxide;

24 (h) clobazam;

25 (i) clonazepam;

26 (j) clorazepate;

27 (k) clotiazepam;

28 (l) cloxazolam;

29 (m) delorazepam;

30 (n) diazepam;

- 1 (o) estazolam;
- 2 (p) ethchlorvynol;
- 3 (q) ethinamate;
- 4 (r) ethyl loflazepate;
- 5 (s) fludiazepam;
- 6 (t) flunitrazepam;
- 7 (u) flurazepam;
- 8 (v) halazepam;
- 9 (w) haloxazolam;
- 10 (x) ketazolam;
- 11 (y) lopraxolam;
- 12 (z) lorazepam;
- 13 (aa) lormetazepam;
- 14 (bb) mebutamate;
- 15 (cc) medazepam;
- 16 (dd) meprobamate;
- 17 (ee) methohexital;
- 18 (ff) methylphenobarbital (~~mephobarbital~~), also known as mephobarbital;
- 19 (gg) midazolam;
- 20 (hh) nimetazepam;
- 21 (ii) nitrazepam;
- 22 (jj) nordiazepam;
- 23 (kk) oxazepam;
- 24 (ll) oxazolam;
- 25 (mm) paraldehyde;
- 26 (nn) petrichloral;
- 27 (oo) phenobarbital;
- 28 (pp) pinazepam;
- 29 (qq) prazepam;
- 30 (rr) quazepam;

(ss) temazepam;

(tt) tetrazepam; ~~and~~

(uu) triazolam; and

(vv) zolpidem.

(3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of ~~the~~ following substance fenfluramine, including its salts, isomers (whether optical, position, or geometric), and salts of ~~such~~ isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible.

~~(a) fenfluramine.~~

(4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(a) cathine;

(b) diethylpropion;

(c) fencamfamin;

(d) fenproporex;

(e) mazindol;

(f) mefenorex;

(g) pemoline, including organometallic complexes and chelates thereof;

(h) phentermine;

(i) pipradrol; and

(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(5) Other substances. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts:

(a) pentazocine."

Section 6. Section 50-32-232, MCA, is amended to read:

"50-32-232. Specific dangerous drugs included in Schedule V. Schedule V consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing buprenorphine and its salts is included in this category.

~~(1)(2)~~ Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts, calculated as the free anhydrous base or alkaloid in limited quantities as set forth in subsections ~~(1)(a) (2)(a)~~ through ~~(1)(f) (2)(f)~~, which include one or more nonnarcotic, active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(a) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(b) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(c) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(d) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(e) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; and

(f) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(2) Buprenorphine.~~

~~(3) Propylhexedrine~~ Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers

~~(4) Pyrovalerone."~~

NEW SECTION. **Section 7. Exempt anabolic steroid products.** The following anabolic steroid-containing compounds, mixtures, or preparations are exempt from this chapter:

(1) androgyn L.A.;

(2) andro-estro 90-4;

(3) depandrogyn;

(4) DEPO-T.E.;

(5) deptestrogen;

(6) duomone;

(7) duratestrin;

(8) duo-span II;

(9) estratest;

- 1 (10) estratest HS;
- 2 (11) pan estra test;
- 3 (12) premarin with methyltestosterone;
- 4 (13) synovex H pellets in process;
- 5 (14) synovex H pellets in process granulation;
- 6 (15) test-estro cypionates;
- 7 (16) testagen;
- 8 (17) testosterone cyp 50 estradiol cyp 2;
- 9 (18) testosterone, cypionate-estradiol, cypionate injection;
- 10 (19) testosterone, enanthate-estradiol, valerate injection; and
- 11 (20) tilapia sex reversal feed (investigational).

12

13 ~~NEW SECTION. Section 9. Excluded substances. The following nonnarcotic substances that may, under~~
14 ~~the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription~~
15 ~~are excluded from all schedules:~~

- 16 (1) ~~theophed;~~
- 17 (2) ~~guiaphed elixir;~~
- 18 (3) ~~tedrigen tablets;~~
- 19 (4) ~~cheate's leg freeze;~~
- 20 (5) ~~tedral;~~
- 21 (6) ~~tedral elixir;~~
- 22 (7) ~~tedral S.A.;~~
- 23 (8) ~~tedral suspension;~~
- 24 (9) ~~asthma oser;~~
- 25 (10) ~~azma-aids;~~
- 26 (11) ~~benzedrex;~~
- 27 (12) ~~bronkolixir;~~
- 28 (13) ~~bronkotabs;~~
- 29 (14) ~~vicks inhaler; and~~
- 30 (15) ~~primatone (P tablets).~~

NEW SECTION. Section 8. Codification instruction. ~~[Sections SECTION 7 and 8]~~ are IS intended to be codified as an integral part of Title 50, chapter 32, part 2, and the provisions of Title 50, chapter 32, part 2, apply to ~~[sections SECTION 7 and 8]~~.

NEW SECTION. **Section 9. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval.

-END-

HOUSE BILL NO. 165

INTRODUCED BY TUSS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REVISION OF CONTROLLED SUBSTANCES SCHEDULES; AUTHORIZING THE BOARD OF PHARMACY TO ADOPT RULES MORE OFTEN THAN ANNUALLY TO MAKE CHANGES TO STATUTORILY CONTROLLED SUBSTANCES SCHEDULES; REVISING STATUTORILY CONTROLLED SUBSTANCES SCHEDULES TO INCLUDE AMENDMENTS AND ADDITIONS TO THE SCHEDULES MADE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AMENDING SECTIONS 50-32-209, 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

APPROVED BY COM ON
BUSINESS & INDUSTRY

HOUSE BILL NO. 165

INTRODUCED BY TUSS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REVISION OF CONTROLLED SUBSTANCES SCHEDULES; AUTHORIZING THE BOARD OF PHARMACY TO ADOPT RULES MORE OFTEN THAN ANNUALLY TO MAKE CHANGES TO STATUTORILY CONTROLLED SUBSTANCES SCHEDULES; REVISING STATUTORILY CONTROLLED SUBSTANCES SCHEDULES TO INCLUDE AMENDMENTS AND ADDITIONS TO THE SCHEDULES MADE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AMENDING SECTIONS 50-32-209, 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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HOUSE BILL NO. 165

INTRODUCED BY TUSS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REVISION OF CONTROLLED SUBSTANCES SCHEDULES; AUTHORIZING THE BOARD OF PHARMACY TO ADOPT RULES MORE OFTEN THAN ANNUALLY TO MAKE CHANGES TO STATUTORILY CONTROLLED SUBSTANCES SCHEDULES; REVISING STATUTORILY CONTROLLED SUBSTANCES SCHEDULES TO INCLUDE AMENDMENTS AND ADDITIONS TO THE SCHEDULES MADE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AMENDING SECTIONS 50-32-209, 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-32-209, MCA, is amended to read:

"50-32-209. ~~Annual republication~~ Republication of schedules. The board shall revise and the department shall republish additions, deletions, or other changes to the schedules of dangerous drugs annually at times determined by the board. For the purposes of this section, the mandate to republish ~~may be~~ additions, deletions, or other changes is satisfied by publication in the Administrative Rules of Montana pursuant to Title 2, chapter 4."

Section 2. Section 50-32-222, MCA, is amended to read:

"50-32-222. **Specific dangerous drugs included in Schedule I.** Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of ~~such~~ those isomers, esters, ethers, and salts is possible within the specific chemical designation:

(a) acetyl-alpha-methylfentanyl;

(b) acetylmethadol;

(c) allylprodine;

(d) alphacetylmethadol, except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol,

levomethadyl acetate, or LAAM;

- 1 (e) alphameprodine;
- 2 (f) alphamethadol;
- 3 (g) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;
- 4 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 5 (h) alpha-methylthiofentanyl, also known as
- 6 N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide and;
- 7 ~~(h)(i)~~ benzethidine;
- 8 ~~(h)(j)~~ betacetylmethadol;
- 9 ~~(h)(k)~~ beta-hydroxyfentanyl, also known as
- 10 N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-phenylpropanamide;
- 11 ~~(h)(l)~~ beta-hydroxy-3-methylfentanyl, also known as
- 12 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide;
- 13 ~~(h)(m)~~ betameprodine;
- 14 ~~(m)(n)~~ betamethadol;
- 15 ~~(n)(o)~~ betaprodine;
- 16 ~~(o)(p)~~ clonitazene;
- 17 ~~(p)(q)~~ dextromoramide;
- 18 ~~(q)(r)~~ diampromide;
- 19 ~~(r)(s)~~ diethylthiambutene;
- 20 ~~(e)(t)~~ difenoxin;
- 21 ~~(t)(u)~~ dimenoxadol;
- 22 ~~(u)(v)~~ dimepheptanol;
- 23 ~~(v)(w)~~ dimethylthiambutene;
- 24 ~~(w)(x)~~ dioxaphetyl butyrate;
- 25 ~~(x)(y)~~ dipipanone;
- 26 ~~(y)(z)~~ ethylmethylthiambutene;
- 27 ~~(z)(aa)~~ etonitazene;
- 28 ~~(aa)(bb)~~ etoxeridine;
- 29 ~~(bb)(cc)~~ furethidine;
- 30 ~~(cc)(dd)~~ hydroxypethidine;

- ~~(dd)~~(ee) ketobemidone;
~~(ee)~~(ff) levomoramide;
~~(ff)~~(gg) levophenacymorphan;
~~(gg)~~(hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;
~~(hh)~~(ii) 3-methylthiofentanyl, also known as
N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide;
~~(ii)~~(jj) morpheridine;
~~(jj)~~(kk) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
~~(kk)~~(ll) noracymethadol;
~~(ll)~~(mm) norlevorphanol;
~~(mm)~~(nn) normethadone;
~~(nn)~~(oo) norpipanone;
~~(oo)~~(pp) para-fluorofentanyl, also known as
N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]propanamide;
~~(pp)~~(qq) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
~~(qq)~~(rr) phenadoxone;
~~(rr)~~(ss) phenampromide;
~~(ss)~~(tt) phenomorphan;
~~(tt)~~(uu) phenoperidine;
~~(uu)~~(vv) piritramide;
~~(vv)~~(ww) proheptazine;
~~(ww)~~(xx) properidine;
~~(xx)~~(yy) propiram;
~~(yy)~~(zz) racemoramide;
~~(zz)~~(aaa) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidyl]-propanamide;
~~(aaa)~~(bbb) tilidine; and
~~(bbb)~~(ccc) trimeperidine.
(2) For the purposes of subsection (1)(hh), the term "isomer" includes the optical, position, and geometric
isomers.
~~(2)~~(3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the following

1 are opium derivatives, ~~its~~ including salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts,
2 isomers, and salts of isomers is possible within the specific chemical designation:

- 3 (a) acetorphine;
- 4 (b) acetyldihydrocodeine;
- 5 (c) benzylmorphine;
- 6 (d) codeine methylbromide;
- 7 (e) codeine-n-oxide;
- 8 (f) cyprenorphine;
- 9 (g) desomorphine;
- 10 (h) dihydromorphine;
- 11 (i) drotebanol;
- 12 (j) etorphine, except hydrochloride salt;
- 13 (k) heroin;
- 14 (l) hydromorphenol;
- 15 (m) methyldesorphine;
- 16 (n) methyldihydromorphine;
- 17 (o) morphine methylbromide;
- 18 (p) morphine methylsulfonate;
- 19 (q) morphine-n-oxide;
- 20 (r) myrophine;
- 21 (s) nicocodeine;
- 22 (t) nicomorphine;
- 23 (u) normorphine;
- 24 (v) pholcodine; and
- 25 (w) thebacon.

26 ~~(3)(4)~~ (4) Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material,
27 compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic ~~substances or any~~
28 ~~of its substance, including~~ salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers,
29 and salts of isomers is possible within the specific chemical designation:

- 30 ~~(a) 3,4-methylenedioxy amphetamine;~~

- 1 ~~(b) 3,4-methylenedioxymethamphetamine (MDMA);~~
- 2 ~~(c) 5-methoxy-3,4-methylenedioxy-amphetamine;~~
- 3 ~~(d) 3,4,5-trimethoxy-amphetamine;~~
- 4 ~~(e) bufotenine;~~
- 5 ~~(f) doet (2,5-dimethoxy-4-ethylamphetamine);~~
- 6 ~~(g) diethyltryptamine;~~
- 7 ~~(h) dimethyltryptamine;~~
- 8 ~~(i) 4-methyl-2,5-dimethoxy-amphetamine;~~
- 9 ~~(j) ibogaine;~~
- 10 ~~(k) lysergic acid-diethylamide;~~
- 11 ~~(l) marijuana;~~
- 12 ~~(m) mescaline;~~
- 13 ~~(n) parahexyl;~~
- 14 ~~(o) peyote;~~
- 15 ~~(p) PCE (N-ethyl-1-phenylcyclohexylamine);~~
- 16 ~~(q) PHP-1 (1-phenylcyclohexyl)pyrrolidine (pcp-analog);~~
- 17 ~~(r) n-ethyl-3-piperidyl-benzilate;~~
- 18 ~~(s) n-methyl-3-piperidyl-benzilate;~~
- 19 ~~(t) psilocybin;~~
- 20 ~~(u) psilocin;~~
- 21 ~~(v) tetrahydrocannabinol;~~
- 22 ~~(w) 2,5-dimethoxyamphetamine;~~
- 23 ~~(x) 4-bromo-2,5-dimethoxy-amphetamine;~~
- 24 ~~(y) 4-methoxyamphetamine;~~
- 25 ~~(z) ethylamine analog of phenocyclidine;~~
- 26 ~~(aa) pyrrolidine analog of phenocyclidine; and~~
- 27 ~~(bb) thiophene analog of phenocyclidine.~~
- 28 (a) alpha-ethyltryptamine. Trade or other names include etryptamine, monase,
- 29 alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET.
- 30 (b) 4-bromo-2,5-dimethoxy-amphetamine. Trade or other names include 4-bromo-2,

- 1 5-dimethoxy-alpha-methylphenethylamine and 4-bromo-2,5-DMA.
- 2 (c) 4-bromo-2,5-dimethoxyphenethylamine. Trade or other names include 2-(4-bromo-2,
- 3 5-dimethoxyphenyl)-1-aminoethane, alpha-desmethyldOB, and 2C-B,Nexus.
- 4 (d) 2,5-dimethoxyamphetamine. Trade or other names include
- 5 2,5-dimethoxy-alpha-methylphenothylamine and 2,5-DMA.
- 6 (e) 3,4-methylenedioxy amphetamine;
- 7 (f) 2,5-dimethoxy-4-ethylamphetamine. A trade or other name is DOET.
- 8 (g) 4-methoxyamphetamine. A trade or other name is 4-methoxy-alpha-methylphenethylamine.
- 9 (h) 5-methoxy-3,4-methylenedioxy amphetamine;
- 10 (i) 4-methyl-2,5-dimethoxy-amphetamine. Trade or other names include 4-methyl-2,
- 11 5-dimethoxy-alpha-methylphenethylamine, DOM, and STP.
- 12 (j) 3,4-methylenedioxy amphetamine;
- 13 (k) 3,4-methylenedioxymethamphetamine (MDMA);
- 14 (l) 3,4-methylenedioxy-N-ethylamphetamine, also known as
- 15 N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- 16 (m) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
- 17 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA;
- 18 (n) 3,4,5-trimethoxy amphetamine;
- 19 (o) bufotenine. Trade and other names include 3-(beta-dimethylaminoethyl)-5-hydroxyindole,
- 20 3-(2-dimethylaminoethyl)-5-indolol, N,N-dimethylserotonin, 5-hydroxy-N,N-dimethyltryptamine, and mappine.
- 21 (p) diethyltryptamine. Trade and other names include N,N-diethyltryptamine and DET.
- 22 (q) dimethyltryptamine. A trade or other name is DMT.
- 23 (r) ibogaine. Trade or other names include
- 24 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepine [5,4-b] indole and
- 25 tabernanthe iboga.
- 26 (s) lysergic acid diethylamide;
- 27 (t) marijuana;
- 28 (u) mescaline;
- 29 (v) parahexyl. Trade or other names include
- 30 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[b,d]pyran and synhexyl.

(w) peyote, meaning all parts of the plant presently classified botanically as *lophophora williamsii* lemaire, whether growing or not; the seed of the plant; any extract from any part of the plant; and every compound, manufacture, salts, derivatives, mixture, or preparation of the plant, its seed, or extracts;

(x) n-ethyl-3-piperidyl benzilate;

(y) n-methyl-3-piperidyl benzilate;

(z) psilocybin;

(aa) psilocyn;

(bb) tetrahydrocannabinols, including synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as those listed in subsections (4)(bb)(i) through (4)(bb)(iii). Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are included in the category as follows:

(i) delta 1 (DELTA 9) cis or trans tetrahydrocannabinol and its optical isomers;

(ii) delta 6 cis or trans tetrahydrocannabinol and its optical isomers; and

(iii) delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers;

(cc) ethylamine analog of phencyclidine. Trade or others names include N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, and PCE.

(dd) pyrrolidine analog of phencyclidine. Trade or other names include 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, and PHP.

(ee) thiophene analog of phencyclidine. Trade or other names include 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TCP, and TCP.

(ff) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine. A trade or other name is TCPy.

(5) For the purposes of subsection (4), the term "isomer" includes the optical, position, and geometric isomers.

~~(4)(6)~~ Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following ~~substance~~ substances is a depressant having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) mecloqualone; and

(b) methaqualone.

- 1 ~~(5)(7)~~ Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
2 mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant
3 effect on the central nervous system, including its salts, isomers, and salts of isomers:
- 4 ~~(a) fenethylline; and~~
5 ~~(b) n-ethylamphetamine.~~
- 6 (a) aminorex. Trade or other names include aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and
7 4,5-dihydro-5-phenyl-2-oxazolamine.
- 8 (b) cathinone. Trade or other names include 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
9 2-aminopropiophenone, and norephedrone.
- 10 (c) fenethylline;
- 11 (d) methcathinone. Trade or other names include 2-(methylamino)-propiophenone,
12 alpha-(methylamino)propiophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropiophenone,
13 monomethylpropion, ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432,
14 including its salts, optical isomers, and salts of optical isomers.
- 15 (e) (levo-dextro) cis-4-methylaminorex, also known as (levo-dextro) cis-4,
16 5-dihydro-4-methyl-5-phenyl-2-oxazolamine;
- 17 (f) N-ethylamphetamine;
- 18 (g) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethamine and
19 N,N-alpha-trimethylphenethylamine.
- 20 (8) Substances subject to emergency scheduling. Any material, compound, mixture, or preparation that
21 contains any quantity of the following substances is included in this category:
- 22 (a) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of
23 isomers); and
- 24 (b) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and
25 salts of isomers).
- 26 ~~(6) For purposes of subsection (3) only, the term "isomer" includes the optical, position, and geometric~~
27 ~~isomers.~~
- 28 ~~(7)(9)~~ If prescription or administration is authorized by the Federal Food, Drug and Cosmetic Act, then any
29 material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection ~~(3)~~ (4) ~~shall~~ must
30 automatically be rescheduled from Schedule I to Schedule II."

Section 3. Section 50-32-224, MCA, is amended to read:

"50-32-224. **Specific dangerous drugs included in Schedule II.** Schedule II consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are included in this category:

(a) opium and opiate and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone and their respective salts, but including the following:

- (i) raw opium;
- (ii) opium extracts;
- (iii) opium fluid ~~extracts~~;
- (iv) powdered opium;
- (v) granulated opium;
- (vi) tincture of opium;
- (vii) codeine;
- (viii) ethylmorphine;
- (ix) etorphine hydrochloride;
- (x) hydrocodone;
- (xi) hydromorphone;
- (xii) metopon;
- (xiii) morphine;
- (xiv) oxycodone;
- (xv) oxymorphone; and
- (xvi) thebaine;

(b) any salt, compound, derivative, or preparation ~~thereof~~ of them that is chemically equivalent or identical with any of the substances referred to in subsection (1)(a) ~~of this section~~, except that these substances do not include the isoquinoline alkaloids of opium;

(c) opium poppy and poppy straw;

(d) coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers, and derivatives, and any salt, compound, derivative, or preparation ~~thereof~~ of them that is chemically equivalent or identical with any of these substances, except that these substances do not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

(e) concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy.

(2) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of ~~such~~ those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

(a) alfentanil;

(b) alphaprodine;

(c) anileridine;

(d) bezitramide;

(e) bulk dextropropoxyphene (nondosage forms);

(f) carfentanil;

~~(g)~~ (g) dihydrocodeine;

~~(h)~~ (h) diphenoxylate;

~~(i)~~ (i) fentanyl;

~~(j)~~ (j) isomethadone;

(k) levo-alpha-acetylmethadol. Other names include levo-alpha-acetylmethadol, levomethadyl acetate, and

LAAM.

~~(l)~~ (l) levomethorphan;

~~(m)~~ (m) levorphanol;

~~(n)~~ (n) metazocine;

~~(o)~~ (o) methadone;

~~(p)~~ (p) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

~~(q)~~ (q) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

~~(r)~~ (r) pethidine ~~(meperidine)~~, also known as meperidine;

- ~~(p)(s)~~ pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
~~(q)(t)~~ pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
~~(r)(u)~~ pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
~~(e)(v)~~ phenazocine;
~~(t)(w)~~ piminodine;
~~(u)(x)~~ racemethorphan;
~~(v)(y)~~ racemorphan; and
~~(w)(z)~~ sufentanil; and
~~(x)~~ bulk dextropropoxyphene (nondosage forms).

(3) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system:

- (a) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) phenmetrazine and its salts;
- (c) methamphetamine, its salts, isomers, and salts of its isomers; and
- (d) methylphenidate.

(4) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant effect on the central nervous system, including ~~its~~ salts, isomers, and salts of isomers whenever the existence of ~~such those~~ salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) amobarbital;
- (b) glutethimide;
- ~~(b)(c)~~ pentobarbital;
- ~~(e)(d)~~ phencyclidine; and
- ~~(d)(e)~~ secobarbital.

~~(5) Immediate precursors. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:~~

- ~~(a) immediate precursor to amphetamine and methamphetamine;~~
- ~~(i) phenylacetone;~~
- ~~(b) immediate precursors to phencyclidine (PCP);~~

1 (i) ~~1-phenylcyclohexylamine; and~~

2 (ii) ~~1-piperidinocyclohexanecarbonitrile (PCC);~~

3 (6) Hallucinogenic substances include the following:

4 (a) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a federal food and
5 drug administration-approved drug product; and, Other names for dronabinol include

6 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b, d]pyran-1-ol or

7 (-)-delta-9-(trans)-tetrahydrocannabinol.

8 (b) nabilone. Another name for nabilone is (levo-dextro)-trans-3-(1,

9 1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b, d] pyran-9-one.

10 (6) Immediate precursors. Unless specifically excepted or listed in another schedule, any material,
11 compound, mixture, or preparation that contains any quantity of the following substances is an immediate
12 precursor:

13 (a) phenylacetone, an immediate precursor to amphetamine and methamphetamine. Trade or other names
14 for phenylacetone include phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone.

15 (b) 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile (PCC), immediate precursors to
16 phencyclidine (PCP)."

17
18 **Section 4. Section 50-32-226, MCA, is amended to read:**

19 **"50-32-226. Specific dangerous drugs included in Schedule III.** Schedule III consists of the drugs and
20 other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

21 (1) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
22 mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant
23 effect on the central nervous system, including ~~the~~ salts, isomers (whether optical, position, or geometric), and salts
24 of ~~each~~ isomers whenever the existence of ~~each~~ those salts, isomers, and salts of isomers is possible within the
25 specific chemical designation:

26 (a) benzphetamine;

27 (b) chlorphentermine;

28 (c) clortermine; and

29 (d) phendimetrazine.

30 (2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound,

1 mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant
2 effect on the central nervous system:

3 ~~(a) any substance that contains any quantity of a derivative of barbituric acid or any salt thereof;~~

4 ~~(b) chlorhexadol;~~

5 ~~(c) glutethimide;~~

6 (a) any compound, mixture, or preparation containing amobarbital, secobarbital, or pentobarbital or any salt
7 of any of these drugs and one or more other active medicinal ingredients that are not listed in any schedule;

8 (b) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of
9 these drugs approved by the federal food and drug administration for marketing only as a suppository;

10 (c) any substance that contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;

11 (d) chlorhexadol;

12 ~~(d)(e)~~ lysergic acid;

13 ~~(e)(f)~~ lysergic acid amide;

14 ~~(f)(g)~~ methyprylon;

15 ~~(g)(h)~~ sulfondiethylmethane;

16 ~~(h)(i)~~ sulfonethylmethane;

17 ~~(i)(j)~~ sulfonmethane; and

18 ~~(j)(k)~~ tiletamine and zolazepam or any of their salts; A trade or other name for a tiletamine-zolazepam
19 combination product is telazol. A trade or other name for tiletamine is 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.
20 A trade or other name for zolazepam is 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]
21 [1,4]-diazepin-7(1H)-one, flupyrzapon.

22 ~~(k) any compound, mixture, or preparation containing amobarbital, secobarbital, or pentobarbital or any~~
23 ~~salt of any of these drugs and one or more other active medicinal ingredients that are not listed in any schedule;~~

24 and

25 ~~(l) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of~~
26 ~~these drugs approved by the federal food and drug administration for marketing only as a suppository.~~

27 (3) Nalorphine.

28 (4) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound,
29 mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts calculated as
30 the free anhydrous base or alkaloid in the following limited quantities:

- 1 (a) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit,
 2 with an equal or greater quantity of an isoquinoline alkaloid of opium;
- 3 (b) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit,
 4 with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- 5 (c) not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than
 6 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
- 7 (d) not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than
 8 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- 9 (e) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per
 10 dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- 11 (f) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per
 12 dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- 13 (g) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25
 14 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or
- 15 (h) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active,
 16 nonnarcotic ingredients in recognized therapeutic amounts.
- 17 (5) Anabolic steroids. ~~Any~~ The term "anabolic steroid" means any drug or hormonal substance, chemically
 18 and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes
 19 muscle growth. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or
 20 preparation containing an anabolic steroid, including but not limited to the following: any quantity of the following
 21 substances is an anabolic steroid, including salts, isomers, and salts of isomers whenever the existence of those
 22 salts of isomers is possible within the specific chemical designation:
- 23 (a) ~~androisoxazole;~~
- 24 (b) ~~androstandiol;~~
- 25 (c) ~~bolandiol;~~
- 26 (d) ~~bolacteron;~~
- 27 (e) boldenone;
- 28 (f) ~~chlormethandienone;~~
- 29 (b) chlorotestosterone, also known as 4-chlortestosterone;
- 30 (g)(c) clostebol;

- 1 (d) dihydrochlormethyltestosterone;
2 (e) dihydrotestosterone, also known as 4-dihydrotestosterone;
3 (f) drostanolone;
4 ~~(h) dihydromesterone;~~
5 ~~(i)(g)~~ ethylestrenol;
6 ~~(i)(h)~~ fluoxymesterone;
7 (i) formebulone, also known as formebolone;
8 ~~(k) formylidenolone;~~
9 ~~(l) 4 hydroxy-19 nortestosterone;~~
10 ~~(m)(j)~~ mesterolone;
11 (k) methandienone;
12 (l) methandranone;
13 ~~(n)(m)~~ methandriol;
14 ~~(e)(n)~~ methandrostenolone;
15 ~~(p)(o)~~ methenolone;
16 ~~(q) 17-methyltestosterone~~ (p) methyltestosterone;
17 ~~(r) methyltrienolone;~~
18 (q) mibolerone;
19 ~~(e)(r)~~ nandrolone;
20 ~~(t) norbolethone;~~
21 ~~(u)(s)~~ norethandrolone;
22 ~~(v) normethandrolone;~~
23 ~~(w)(t)~~ oxandrolone;
24 ~~(x)(u)~~ oxymestron;e;
25 ~~(y)(v)~~ oxymetholone;
26 ~~(z) quinbolone;~~
27 ~~(aa)(w)~~ stanolone;
28 ~~(bb)(x)~~ stanozolol;
29 ~~(cc) stenbolone;~~
30 (y) testolactone;

1 ~~(dd)(z)~~ testosterone; or

2 ~~(ee)(aa)~~ trenbolone."

4 Section 5. Section 50-32-229, MCA, is amended to read:

5 "50-32-229. **Specific dangerous drugs included in Schedule IV.** Schedule IV consists of the drugs and
6 other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

7 (1) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound,
8 mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts calculated as
9 the free anhydrous base or alkaloid in the following limited quantities:

10 (a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage
11 unit; and

12 (b) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

13 (2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound,
14 mixture, or preparation that contains any quantity of the following substances is a depressant, including ~~its~~ salts,
15 isomers, and salts of isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible
16 within the specific chemical designation:

17 (a) alprazolam;

18 (b) barbital;

19 (c) bromazepam;

20 (d) camazepam;

21 (e) chloral betaine;

22 (f) chloral hydrate;

23 (g) chlordiazepoxide;

24 (h) clobazam;

25 (i) clonazepam;

26 (j) clorazepate;

27 (k) clotiazepam;

28 (l) cloxazolam;

29 (m) delorazepam;

30 (n) diazepam;

- 1 (o) estazolam;
- 2 (p) ethchlorvynol;
- 3 (q) ethinamate;
- 4 (r) ethyl loflazepate;
- 5 (s) fludiazepam;
- 6 (t) flunitrazepam;
- 7 (u) flurazepam;
- 8 (v) halazepam;
- 9 (w) haloxazolam;
- 10 (x) ketazolam;
- 11 (y) loprazolam;
- 12 (z) lorazepam;
- 13 (aa) lormetazepam;
- 14 (bb) mebutamate;
- 15 (cc) medazepam;
- 16 (dd) meprobamate;
- 17 (ee) methohexital;
- 18 (ff) methylphenobarbital ~~(mephobarbital)~~, also known as mephobarbital;
- 19 (gg) midazolam;
- 20 (hh) nimetazepam;
- 21 (ii) nitrazepam;
- 22 (jj) nordiazepam;
- 23 (kk) oxazepam;
- 24 (ll) oxazolam;
- 25 (mm) paraldehyde;
- 26 (nn) petrichloral;
- 27 (oo) phenobarbital;
- 28 (pp) pinazepam;
- 29 (qq) prazepam;
- 30 (rr) quazepam;

- 1 (ss) temazepam;
2 (tt) tetrazepam; ~~and~~
3 (uu) triazolam; and
4 (vv) zolpidem.

5 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of ~~the~~
6 ~~following substance~~ fenfluramine, including its salts, isomers (whether optical, position, or geometric), and salts of
7 ~~such~~ isomers whenever the existence of ~~such~~ those salts, isomers, and salts of isomers is possible.

8 ~~(a) fenfluramine.~~

9 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
10 mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant
11 effect on the central nervous system, including its salts, isomers, and salts of isomers:

- 12 (a) cathine;
13 (b) diethylpropion;
14 (c) fencamfamin;
15 (d) fenproporex;
16 (e) mazindol;
17 (f) mefenorex;
18 (g) pemoline, including organometallic complexes and chelates thereof;
19 (h) phentermine;
20 (i) pipradrol; and
21 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

22 (5) Other substances. Unless specifically excepted or listed in another schedule, any material, compound,
23 mixture, or preparation that contains any quantity of the following substances, including its salts:

- 24 (a) pentazocine."
25

26 **Section 6.** Section 50-32-232, MCA, is amended to read:

27 **"50-32-232. Specific dangerous drugs included in Schedule V.** Schedule V consists of the drugs and
28 other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

29 (1) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material,
30 compound, mixture, or preparation containing buprenorphine and its salts is included in this category.

~~(1)(2)~~ Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following is a narcotic drug or drug, including its salts, calculated as the free anhydrous base or alkaloid in limited quantities as set forth in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(f)~~ (2)(f), which include one or more nonnarcotic, active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

- (a) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- (b) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- (c) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- (d) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (e) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; and
- (f) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(2) Buprenorphine.~~

(3) ~~Propylhexedrine~~ Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers

~~(4) Pyrovalerone."~~

NEW SECTION. Section 7. Exempt anabolic steroid products. The following anabolic steroid-containing compounds, mixtures, or preparations are exempt from this chapter:

- (1) androgyn L.A.;
- (2) andro-estro 90-4;
- (3) depandrogyn;
- (4) DEPO-T.E.;
- (5) deptestrogen;
- (6) duomone;
- (7) duratestrin;
- (8) duo-span II;
- (9) estratest;

- 1 (10) estratest HS;
- 2 (11) pan estra test;
- 3 (12) premarin with methyltestosterone;
- 4 (13) synovex H pellets in process;
- 5 (14) synovex H pellets in process granulation;
- 6 (15) test-estro cypionates;
- 7 (16) testagen;
- 8 (17) testosterone cyp 50 estradiol cyp 2;
- 9 (18) testosterone, cypionate-estradiol, cypionate injection;
- 10 (19) testosterone, enanthate-estradiol, valerate injection; and
- 11 (20) tilapia sex reversal feed (investigational).

12

13 ~~NEW SECTION. Section 9. Excluded substances. The following nonnarcotic substances that may, under~~
14 ~~the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription~~
15 ~~are excluded from all schedules:~~

- 16 (1) ~~theophed;~~
- 17 (2) ~~guiaphed elixir;~~
- 18 (3) ~~tedrigen tablets;~~
- 19 (4) ~~choate's leg freeze;~~
- 20 (5) ~~tedral;~~
- 21 (6) ~~tedral elixir;~~
- 22 (7) ~~tedral S.A.;~~
- 23 (8) ~~tedral suspension;~~
- 24 (9) ~~asthma-ace;~~
- 25 (10) ~~azma-aide;~~
- 26 (11) ~~benzedrex;~~
- 27 (12) ~~bronkolixir;~~
- 28 (13) ~~bronkotabs;~~
- 29 (14) ~~vicks inhaler; and~~
- 30 (15) ~~primatone (P tablets).~~

NEW SECTION. **Section 8. Codification instruction.** ~~[Sections SECTION 7 and 8]~~ are ~~is~~ intended to be codified as an integral part of Title 50, chapter 32, part 2, and the provisions of Title 50, chapter 32, part 2, apply to ~~[sections SECTION 7 and 8]~~.

NEW SECTION. **Section 9. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.

-END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on January 13, 1997,
at 10:00 A.M., in Room 104.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Paul Sliter, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. Kim Gillan (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Rod Marshall (R)
Rep. Gay Ann Masolo (R)
Rep. Wes Prouse (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Joe Tropila (D)
Rep. Carley Tuss (D)

Members Excused: None.

Members Absent: None

Staff Present: Stephen Maly, Legislative Services Division
Pati O'Reilly, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 56 (1/7/97); HB 164
(1/7/97); HB 165 (1/7/97)

Executive Action: None.

HEARING ON HB 56

Opening Statement by Sponsor: REP. ROYAL JOHNSON, H.D. 10
introduced the bill. **EXHIBIT 1.**
{Tape: 1; Side: 1; Approx. Time Count: 2.0; Comments: None.}

Proponents' Testimony:

Peter Blouke, Director, Dept. of Commerce.

{Tape: 1; Side: 1; Approx. Time Count: 7.0; Comments: None.}

Charles Rehbein, Dept. of Health and Human Services.

{Tape: 1; Side: 1; Approx. Time Count: 9.1; Comments: None.}

Rep. Paul Bankhead, H.D. 72, Secretary, Board of Housing.

{Tape: 1; Side: 1; Approx. Time Count: 9.7; Comments: None.}

John Shontz, MT Association of Realtors.

{Tape: 1; Side: 1; Approx. Time Count: 12.7; Comments: None.}

Opponents Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 13.6; Comments: None.}

Closing by Sponsor: REP. ROYAL JOHNSON closed.

{Tape: 1; Side: 2; Approx. Time Count: 1.2; Comments: None}

HEARING ON HB 165

Opening Statement by Sponsor: REP. CARLEY TUSS, H.D. 46,
introduced the bill.

{Tape: 1; Side: 2; Approx. Time Count: 8.6; Comments: none.}

Proponents' Testimony:

Steve Malloy, Chief, Occupational and Professional Licensing,
Dept. of Commerce.

{Tape: 1; Side: 2; Approx. Time Count: 11.0; Comments: None.}

Steven Mister, Council for Non-Prescription Drugs.

{Tape: 1; Side: 2; Approx. Time Count: 11.9; Comments: None.}

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

{Tape: 1; Side: 2; Approx. Time Count: 14.9; Comments: None.}

Closing by Sponsor: REP. TUSS closed.

{Tape: 1; Side: 2; Approx. Time Count: 17.3; Comments: None.}

HEARING ON HB 164

Opening Statement by Sponsor: REP. CARLEY TUSS, H.D. 46
introduced the bill.
{Tape: 1; Side: 2; Approx. Time Count: 18.2; Comments: None.}

Proponents' Testimony:

Steve Malloy, Chief, Occupational and Professional Licensing,
Dept. of Commerce.
{Tape: 1; Side: 2; Approx. Time Count: 22.0; Comments: None.}

Mary McCue, Montana Dental Association. EXHIBIT 2
{Tape: 1; Side: 2; Approx. Time Count: 22.7; Comments: None.}

Cheri Seed, MT Dental Hygienists Assn. EXHIBIT 3.
{Tape: 1; Side: 2; Approx. Time Count: 24.0; Comments: None.}

Lee Wiser, Bozeman, MT, EXHIBIT 4.
{Tape: 1; Side: 2; Approx. Time Count: 25.6; Comments: None.}

Aaron Hansemann, 2901 8th Ave. No., Great Falls, MT, EXHIBIT 5.
{Tape: 1; Side: 2; Approx. Time Count: 27.8; Comments: NONE.}

Mona Jamison, Physical Therapist Assn. & Speech Pathologists.
{Tape: 2; Side: 1; Approx. Time Count: .00; Comments: None.}

Dudley Anderson, Board of Hearing Aid Dispensers
{Tape: 2; Side: 1; Approx. Time Count: 4.1; Comments: None.}

Ben Havdahl, Helena, MT, EXHIBIT 6.
{Tape: 2; Side: 1; Approx. Time Count: 7.0; Comments: None.}

DR. Michael Bergkamp, Board of Alternative Medicine.
{Tape: 2; Side: 1; Approx. Time Count: 8.0; Comments: None.}

Darrell Holzer, AFL-CIO
{Tape: 2; Side: 1; Approx. Time Count: 11.0; Comments: None.}

Opponents' Testimony:

Beda Lovitt, MT Medical Association
{Tape: 2; Side: 1; Approx. Time Count: 15.2; Comments: None.}

Informational Testimony: None

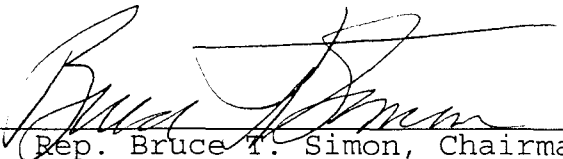
Questions From Committee Members and Responses:

{Tape: 2; Side: 1; Approx. Time Count: 18.7; Comments: None.}

Closing by Sponsor:REP. TUSS closed.

ADJOURNMENT

Adjournment: 11:35 AM


Rep. Bruce T. Simon, Chairman


Pati O'Reilly, Secretary

BS/po

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By CHAIRMAN BRUCE T. SIMON, on January 15, 1997,
at 8:00 A.M., in Room 104.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Paul Sliter, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. Kim Gillan (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Rod Marshall (R)
Rep. Gay Ann Masolo (R)
Rep. Wes Prouse (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Joe Tropila (D)
Rep. Carley Tuss (D)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Services Division
Pati O'Reilly, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 32, HB 147, HJR 3, HB 161
(1/9/97)
Executive Action: HB 32, HB 165

HEARING ON HB 32

Opening Statement by Sponsor: REP. RAY PECK, H.D. 91 introduced
the bill.

{Tape: 1; Side: 1; Approx. Time Count: 6.6; Comments: None.}

Proponents' Testimony:

Lois Menzies, Director, Department of Administration. EXHIBIT 1.
{Tape: 1; Side: 1; Approx. Time Count: 8.6; Comments: None.}

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 10.4; Comments: None.}

Closing by Sponsor: REP. PECK closes on the bill.

{Tape: 1; Side: 1; Approx. Time Count: 10.4; Comments: None.}

HEARING ON HB 147

Opening Statement by Sponsor: REP. BETTY LOU KASTEN, H.D. 99 introduced the bill. EXHIBIT 2 & 3.

{Tape: 1; Side: 1; Approx. Time Count: 11.0; Comments: None.}

Proponents' Testimony:

Bill Kloker, Department of Revenue. EXHIBIT 5 AND 6.

{Tape: 1; Side: 1; Approx. Time Count: 14.1; Comments: None.}

Kevin Koch, Treasurer and Vice-President, McLane Co., Inc.

{Tape: 1; Side: 1; Approx. Time Count: 22.4; Comments: None.}

Jim Manning, Manager, Legislative Auditor's Office.

{Tape: 1; Side: 1; Approx. Time Count: 28.9; Comments: None.}

Opponents' Testimony:

SEN. GERRY DEVLIN. EXHIBIT 8.

{Tape: 1; Side: 2; Approx. Time Count: .03; Comments: None.}

Mark Staples. EXHIBIT 7.

{Tape: 1; Side: 2; Approx. Time Count: 4.5; Comments: None.}

Hertha Lund, Care Mark. EXHIBIT 9.

{Tape: 1; Side: 2; Approx. Time Count: 12.7; Comments: None.}

Tom Ault, Hi-Line Wholesale Co. EXHIBIT 4

{Tape: 1; Side: 2; Approx. Time Count: 18.1; Comments: None.}

Mike Parker, President, Pennington House.

{Tape: 1; Side: 2; Approx. Time Count: 21.1; Comments: None.}

Informational Testimony: None.

Questions From Committee Members and Responses:

{Tape: 1; Side: 2; Approx. Time Count: 21.1; Comments: None.}

Closing by Sponsor: REP. KASTEN closes on the bill.

{Tape: 2; Side: 1; Approx. Time Count: 27.4; Comments: None.}

HEARING ON HJR 3

Opening Statement by Sponsor: REP. ROGER DEBRUYCKER, HB 89 introduced the bill.

{Tape: 2; Side: 2; Approx. Time Count: 5.1; Comments: None.}

Proponents' Testimony:

Irvin Hutchison, Legacy Legislature.

{Tape: 2; Side: 2; Approx. Time Count: 7.4; Comments: None.}

Dick Patterson, President, Montana Senior Citizen's Association.

{Tape: 2; Side: 2; Approx. Time Count: 16.8; Comments: None.}

Verne Bertelsen, Montana Senior Citizen's Association.

{Tape: 2; Side: 2; Approx. Time Count: 18.1; Comments: None.}

Joe Gottfried, Legacy Legislature.

{Tape: 2; Side: 2; Approx. Time Count: 20.8; Comments: None.}

Don Judge, AFL-CIO.

{Tape: 2; Side: 2; Approx. Time Count: 22.3; Comments: None.}

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

{Tape: 2; Side: 2; Approx. Time Count: 23.9; Comments: None.}

Closing by Sponsor: REP. DEBRUYCKER closes on the bill.

{Tape: 3; Side: 1; Approx. Time Count: 7.6; Comments: None.}

HEARING ON HB 161

Opening Statement by Sponsor: REP. BEVERLY BARNHART, H.D. 29 introduced the bill.

{Tape: 3; Side: 1; Approx. Time Count: 8.7; Comments: None.}

Proponents' Testimony:

Kate Cholena, Montana Women's Lobby. EXHIBIT 10.

{Tape: 3; Side: 1; Approx. Time Count: 13.6; Comments: None.}

Craig Young, Montana Low Income Coalition.

{Tape: 3; Side: 1; Approx. Time Count: 16.9; Comments: None.}

Don Judge, Montana Public Employees Association. EXHIBIT 11.

{Tape: 3; Side: 1; Approx. Time Count: 18.4; Comments: None.}

Tom Snyder, Montana Public Employees Association.

{Tape: 3; Side: 1; Approx. Time Count: 24.2; Comments: None.}

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

{Tape: 3; Side: 1; Approx. Time Count: 27.7; Comments: None.}

Closing by Sponsor: REP. BARNHART closes on the bill.

{Tape: 3; Side: 2; Approx. Time Count: 15.4; Comments: None.}

EXECUTIVE ACTION ON HB 32

Motion/Vote: REP. PAVLOVICH MOVED HB 32 DO PASS. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 16.8; Comments: None.}

EXECUTIVE ACTION ON HB 165

Motion: REP. TUSS MOVED HB 165 DO PASS.

{Tape: 3; Side: 2; Approx. Time Count: 17.7; Comments: None.}

Motion/Vote: REP. TUSS moved to adopt amendment #1. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 17.7; Comments: None.}

Motion/Vote: REP. TUSS moved to adopt amendments #2-#5. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 19.2; Comments: None.}

Motion/Vote: REP. TUSS MOVED HB 165 DO PASS AS AMENDED. Motion carried unanimously.

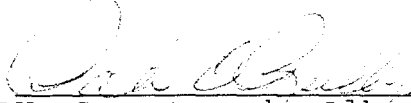
{Tape: 3; Side: 2; Approx. Time Count: 20.0; Comments: None.}

ADJOURNMENT

Adjournment: 11:10 AM



REP. BRUCE T. SIMON, Chairman



PATI O'REILLY, Secretary by Alberta Strachan

BTS/AJS

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on February 6, 1997, at 9:00 A.M., in ROOM 410.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Bea McCarthy (D)

Members Excused: Sen. Debbie Bowman Shea (D)

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 143; HB 165; HB 207;
1/24/97
Executive Action: HB 143; HB 165; HB 207

{Tape: 1; Side: A; Approx. Time Count: 9:06 AM; Comments: N/A.}

HEARING ON HB 165

Sponsor: REP. CARLEY TUSS, HD 46, BLACK EAGLE

Proponents: Jim Smith, MT State Pharmaceutical Assoc.

Opponents: None

Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 46, BLACK EAGLE. I bring you HB 165. This is a two-part bill. The first section of the bill authorizes the Board of Pharmacy to print and distribute new information on drugs in terms of their assigned schedules on an "as needed" basis. This is necessary so that we are in accordance with federal requirements. Current statute limits that to an annual

printing. This bill changes this to an "as needed" status. The lion's share of the bill is that drugs are divided into schedules. They go from schedule one which is a schedule that has no medical indications in this country down to schedule five which is common drugs. Throughout those schedules those drugs have an increasing medical applicability and a decreasing propensity toward abuse. That is the schedule as it goes down one through five. On the other side there are prescription requirements. The prescription requirements for schedules one and two require a written prescription one time with no renewals. Schedule three and four also require a written prescription but they can be prescribed by an oral authorization and are limited to a six-month renewal period. Within those schedules you may see that stimulants are included in schedule one and schedule two, but you don't see them again until schedule four.

Proponents' Testimony:

Jim Smith, MT State Pharmaceutical Assoc. I am here to support HB 165. I would like to inform you that practicing pharmacists around the state do have to know what substances are on these schedules and which ones are not. They have to maintain an inventory of the controlled substances in their pharmacies and have it available for the drug enforcement administration. It is important for these schedules to be maintained in current form. This bill gives the Board the authority and responsibility to maintain and update these schedules on an "as needed" basis.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. TUSS closed. Thank you for the hearing this morning and I would appreciate a Do Pass. SENATOR EVE FRANKLIN might be willing to carry this bill to the Senate.

HEARING ON HB 143

Sponsor: REP. JOE BARNETT, HD 32, BELGRADE

Proponents: Frank Cote, Deputy Insurance Commissioner

Opponents: None

Opening Statement by Sponsor:

REP. JOE BARNETT, HD 32, BELGRADE. REP. BARNETT handed in his written opening (EXHIBIT 1).

Proponents' Testimony:

Frank Cote, Deputy Insurance Commissioner. HB 143 is a bill requested by our office and we feel that it is a very important bill. You may remember Life Of Montana and the fact that they had about a \$30 million hit on our General Fund. Their problem was not specifically mortgage loans but it was a diversity problem. HB 143 is going to help us make sure that insurance companies stay solvent. There is a company based in Montana that has over 90% of their assets invested in mortgage loans. Most of these loans are invested outside the State of Montana. This bill passed the House with 87 votes.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked how many insurance companies are domiciled in the state? **Mr. Cote** answered there are approximately 27 companies. **SEN. BENEDICT** then asked how many companies have over 20% invested in mortgages here in Montana? **Mr. Cote** said only one company. This company is AmWest Life. I would like to add this is not a revenge bill. I hope you agree with us that 90% based in mortgage loans is not a prudent investment strategy. **SEN. CASEY EMERSON** asked if the two companies that were mentioned by the sponsor (Mutual Benefit Life Insurance Co. and Confederation Life Insurance Co.) were based in Montana. **Mr. Cote** said they were licensed to sell in Montana but were not domiciled in Montana. And this bill would not have affected them.

Closing by Sponsor:

REP. BARNETT closed. This is a taxpayer protection bill. These insurance companies pool to help the one in trouble, but they get a tax write-off for that and ultimately the taxpayer ends up paying for the loss. This bill is a pro-active bill rather than a reactive one. We should try to take care of these situations before they happen rather than after. I would appreciate it if **SEN. BENEDICT** would carry this bill to the Senate.

{Tape: 1; Side: A; Approx. Time Count: 9:25; Comments: N/A.}

EXECUTIVE ACTION ON HB 165

Motion/Vote: **SEN. BEA MCCARTHY** MOVED HB 165 BE CONCURRED IN.
The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 143

Motion/Vote: **SEN. STEVE BENEDICT** MOVED HB 143 BE CONCURRED IN.
The motion CARRIED UNANIMOUSLY. **SEN. BENEDICT** will carry HB 143 to the Senate.

{Tape: 1; Side: A; Approx. Time Count: 9:34 AM; Comments: A 9
MINUTE BREAK WAS TAKEN.}

HEARING ON SB 207

Sponsor: REP. EDWARD J. "ED" BRADY, HD 55, CANYON CREEK

Proponents: Dan Pouliot, Director, MT Telecommunications
Access Program.

Opponents: None

Opening Statement by Sponsor:

REP. ED BRADY, HD 55, CANYON CREEK. The bill adds another person onto the Board and allows them to have another meeting. There are a couple of people here to explain more fully.

Proponents' Testimony:

Dan Pouliot, Director, MT Telecommunications Access Program. Mr. Pouliot handed in his written testimony (EXHIBIT 2) and also handed in an amendment (EXHIBIT 3).

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. CASEY EMERSON asked what kind of special equipment is used for the hearing impaired. Mr. Pouliot explained the equipment that is used. Telephone amplifiers are used for many. The other thing available is there is a center where my call will go and they relay via a telephone operator my number and message. We can either type our message and receive our message from a typed message.

Closing by Sponsor:

REP. GRADY closed. Thank you for a good hearing. SEN. BEA MCCARTHY offered to carry HB 207 to the Senate.

EXECUTIVE ACTION ON HB 207

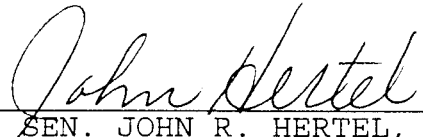
Amendments: SEN. WILLIAM CRISMORE moved to AMEND HB 207 (EXHIBIT 3)

Vote On Amendment: The motion to amend HB 207 CARRIED UNANIMOUSLY.

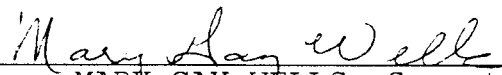
Motion/Vote: SEN. CRISMORE MOVED HB 207 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 9:45 A.M.



SEN. JOHN R. HERTEL, Chairman



MARY GAY WELLS, Secretary

JH/MGW